

CL/182/SR.1
18 June 2008

SUMMARY RECORDS

OF THE

GOVERNING COUNCIL

(182nd SESSION)

14 and 18 April 2008

CAPE TOWN (*Cape Town International Convention Centre (CTICC)*)

Participation

President a.i.: Mrs. K. Komi (Finland)

Members and substitutes: S.H. Gailani, A.Q. Sahjadi and M. Yasini (Afghanistan); Mrs. Z. Bitat Drif, A. Si Afif and A. Ziari (Algeria); V. Alay Ferrer, Mrs. L. Font Puigcernal and Mrs. B. Gaspà (Andorra); R. De Almeida, Mrs. B. Henriques Da Silva and S. Daniel (Angola); Mrs. H. Giri, R. Godoy, C. Reutemann and J.C. Romero (Argentina); Mrs. H. Bisharyan and Mrs. H. Hakobyan (Armenia); H. Jenkins, R. Price and Ms. D. Vale (Australia); G. Darmann, G. Kurzmann, Ms. G. Moser, Ms. B. Prammer, Ms. M. Rauch-Kallat and A. Schieder (Austria); Ms. L. Algaud, A.A.R. Al Moawda, J. Fairouz, J. Fakhroo and Ms. A. Mubarak (Bahrain); Q. Khan and M.J. Sircar (Bangladesh); A. Arkhipov, Ms. N. Baranova and V. Popov (Belarus); Mrs. S. de Bethune, F.-X. de Donnea, Mrs. M. Temmermann and G. Versnick (Belgium); Ms. A. Alajbegovic, A. Huskic and V. Zorić (Bosnia and Herzegovina); P.K. Balopi, I.S. Mabiletsa and Mrs. B.M. Tshireletso (Botswana); E. Morais, J. Tenorio and J. Vasconcelos (Brazil); A. Imamov, Mrs. M. Kaneva and Y. Stoilov (Bulgaria); Mrs. M.G. Dicko Agaleoue Adoua, R.M.C. Kabore and S.T. Ouedraogo (Burkina Faso); Mrs. G. Bimazumute, J. Kekenwa and P. Musoro (Burundi); T. Nhem, Princess S. Sisowath and Mrs. S. Tioulong (Cambodia); D. Allison, Mrs. S. Carstairs, C. Hubbard and D.H. Oliver (Canada); Mrs. J.T. Lelis De Carvalho, M.A. Rodrigues Montero and Ms. I.H.R.D. Silves Ferreira (Cape Verde); R. Leon, Mrs. M.A. Saa and G. Silber (Chile); Mrs. Chen Yunying, He Xiaowei and Zha Peixin (China); Mrs. P. Fouty-Soungou, J. Kignoumbi Kia Mboundou, Ms. C. Munari and Ms. M. Potignon Ngondo (Congo); Ms. H. González and F. Tinoco (Costa Rica); L. Akoun, T. Boa and M. Woi (Côte d'Ivoire); S. Hrelja and Ms. M. Lugaric (Croatia); J. Crombet Hernandez-Baquero and R. Pez Ferro (Cuba); N. Anastasiades, T. Hadjigeorgiou and Mrs. A. Kyriakidou (Cyprus); K. Barták, P. Hrnčíř and Ms. H. Šedivá (Czech Republic); C.S. Kim and J.U. Hyon (Democratic People's Republic of Korea); E. Mokolo, E.M. Ngokoso and L. She Okitundu (Democratic Republic of the Congo); Ms. Y. Akdogan, K.P. Lorentzen and J.C. Lund (Denmark); Mrs. A. Santana (Dominican Republic); Z. Azmy, K. El Chazli, Mrs. S. Greiss and A.F. Sorour (Egypt); Ms. B.F. Bonilla and J.R. Machuca (El Salvador); Mrs. I. Eenmaa, J. Tamm and Mrs. M. Tuus (Estonia); A. Bereded, D. Bula and T. Toga (Ethiopia); Ms. S. Hurskainen and J. Laakso (Finland); R. del Picchia, J. Desallangre, Ms. G. Gautier and P. Martin-Lalande (France); M. Akouloua, L. Mbou Yembi and G. Nzouba-Ndama (Gabon); H.-J. Füchtel, Mrs. M. Griefahn and H. Königshaus (Germany); Ms. A. Boon, Mrs. C. Churcher and E. Sekyi Hughes (Ghana); A. Leventis, Mrs. E. Papadimitriou and M. Vوريدis (Greece); M. Balla, Ms. G. Beki and G. Hárs (Hungary); A. Agustsson, Ms. T. Backman and Ms. A. Moller (Iceland); C.S. Atwal, Ms. P. Kaur and J. Seelam (India); S.P. Morin, A. Laksono and A. Toha (Indonesia); Mrs. F. Ajoor Loo, I. Nadimi and S.M. Yahyavi (Iran, Islamic Republic of); S.A. Al-Jumaili, M. Al-Meshhadany, S.H. Hamoudi, H.J. Jabir and Ms. T. Talaat (Iraq); Ms. M. Corrigan, F. Fahey and J. O'Donoghue (Ireland); T. Mashiko and Y. Yatsu (Japan); T. Al-Shdaifat, Mrs. S. Masri and S. Srouf (Jordan); Mrs. B. Baimagambetova and U. Mukhamejanov (Kazakhstan); P. Chepchumba and A.N. Nuh (Kenya); P. Phonethep and Mrs. P. Yathotou (Lao People's Democratic Republic); G. Daudze and Ms. V. Muizniece (Latvia); A. Elzein, N. Soukkar and Ms. G. Zouein (Lebanon); Ms. N. Motsamai (Lesotho); Ms. M. Abubesha, M. Elforjani and M. Madi (Libyan Arab Jamahiriya); K. Wanger (Liechtenstein); Mrs. F. Diarra Sissoko, H. Konate and K. Tapo (Mali); H.B. Kane (Mauritania), Ms. M. Navarre, P. Rajkeswur and V. Yatin (Mauritius); A. Alonso Diaz-Caneja, C. Camacho and Mrs. A. Joaquin Coldwell (Mexico); C. Cellario, Mrs. M. Dittlot and F. Notari (Monaco); Mrs. Z. Bouayad, A. Cherkaoui and A. El Kadiri (Morocco); T.-B. Gurirab, Mrs. M. Mensah-Williams and Mrs. N. Schimming-Chase (Namibia); J. Atsma, J. Eigeman and Mrs. A. Van Miltenburg

(Netherlands); J. Carter, D. Samuels and N. Tanczos (New Zealand); Mrs. M.G. Chetima, S. Jackou and O. Mahamane (Niger); U. Bayero, Mrs. B. Garba and D. Mark (Nigeria); Ms. I. Heggø, E. Johnsen and F.M. Vallersnes (Norway); A. Daultana, Ms. B. Gohar, Ms. F.N. Ispahani, H. Khan and S.G.M. Shah (Pakistan); Mrs. P. Cayetano, G.B. Honasan, A.Q. Pimentel Jr. and M. Villar (Philippines); Ms. A. Oleckowska, F. Stefaniuk and M. Ziolkowski (Poland); Ms. L. Coutinho, D. Pacheco and R. Vieira (Portugal); A. Al-Kubaisi, I.M. Al-Misnad and M.A. Al-Sulaiti (Qatar); Ms. A.-S. Kim, Ms. M.-J. Kim and J.-S. Shin (Republic of Korea); Mrs. P.M. Ivănescu, I. Solcanu and A. Stanciu (Romania); E. Mugabowindekwe, Mrs. M. Mukantabana and Ms. A. Mukarugema (Rwanda); E. Colombini, R. Morri and M. Venturini (San Marino); J. Amado and D. Dias (Sao Tome and Principe); O. Abu Ghararah, M. Al-Hulwah and S. Bin Humaid (Saudi Arabia); M. Sall and B. Thioube (Senegal); O. Dulic (Serbia); H. Daipi, W.K. Lim and Ms. L. Neo (Singapore); Ms. A. Belousovová, T. Cabaj, M. Ciž and M. Hort (Slovakia); S. Bevk, S. Brencic and D. Kovacic (Slovenia); Ms. S.-V. Kalyan, Mrs. N. Madlala-Routledge, M. Mahlangu, Ms. G. Mahlangu-Nkabinde, Mrs. B. Mbete and J. Selfe (South Africa); C. Bonet I. Reves, J. Moscoso Del Prado and Ms. A. Torme Pardo (Spain); M.D. Alego, M. El-Tigani and Ms. M. Osman Gaknoun (Sudan); A. Bado, Mrs. M.I.S. Burleson and R. Randjietsingh (Suriname); Ms. B. Högman, U. Nilsson and K. Örnfjäder (Sweden); Mrs. B.M. Gadiant, F. Gutzwiller and Mrs. D. Stump (Switzerland); Mrs. R. Aziz, S. Haddad and J. Morad (Syrian Arab Republic); A. Ponlaboot, Ms. K. Silapa-Archa and A. Wiriyachai (Thailand); A. Bano, Ms. F. Borges, Ms. M. Viegas and G. Ximenes (Timor-Leste); K. Amegnonan, K. Bamnante and Mrs. N. Djobo (Togo); M. Ayadi, Mrs. F. Ben Amor Ben Abdallah and K. Mnawar (Tunisia); M. Cerci, Mrs. N. Serter and C. Yilmaz (Turkey); O. Bilorus, Ms. V. Demyanchuk and O. Skybentskyi (Ukraine); K.A. Abu Shehab, Mrs. A.A. Al Qubaisi and Y. Bin Fadhel (United Arab Emirates); R. Berry, Mrs. A. Clwyd and N. Evans (United Kingdom); M. Haji, Mrs. S. Lyimo, K. Mporogomyi and I. Mtulia (United Republic of Tanzania); J. Cardozo, R. Nin Novoa and Mrs. M. Xavier (Uruguay); A. El Zabayar, Ms. A. Saez and R.D. Vivas (Venezuela); Huynh Ngoc Son, Ngo Anh Dzung and Mrs. Pham Thi Loan (Viet Nam); S. Al-Barakani, Ms. O. Nagi and A.A.-R. Yahya (Yemen); A. Mwanamwambwa, J.J. Mwiimbu and Ms. G. Njapau (Zambia); Mrs. E. Madzongwe (Zimbabwe)

Observers: A. Barham, T. Quba'a and Z. Sanduka (Palestine); N. Bouchkouj and A. Mokayes (Arab Inter-Parliamentary Union); A. Abdalla (African Parliamentary Union)

Secretariat: A.B. Johnsson, Secretary General, and J. Jennings, Secretary of the Governing Council of the Inter-Parliamentary Union

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FIRST SITTING

Monday, 14 April 2008

(Morning)

The meeting was called to order at 9.15 a.m. with Ms. K. Komi (Finland), President a.i., in the Chair.

The President ad interim said that Mr. P.F. Casini of Italy, President of the IPU, was regrettably unable to attend the 118th IPU Assembly on account of the elections under way in his home country. Mr. A. Radi of Morocco, Vice-President of the Executive Committee, had also been prevented from attending the Assembly on account of his ministerial duties. She had therefore been asked by the Executive Committee to preside over the 182nd session of the Governing Council.

Item 1 of the agenda

ADOPTION OF THE AGENDA

(CL/182/A.1 and 1-P.1)

The President a.i. drew attention to a request (CL/182/1-P.1), submitted on 13 April 2008 in accordance with Rule 13 of the Rules of the Governing Council by the delegation of the Syrian Arab Republic on behalf of the Arab Group, for the inclusion in the agenda of a supplementary item entitled "The request of the Palestine National Council for full membership status in the IPU". The Executive Committee, however, had not yet had the opportunity to give an opinion on that request as provided for under Rule 13. She therefore proposed that the revised provisional agenda (CL/182/A.1) be adopted on the understanding that the Governing Council would decide on the Syrian request at its next sitting, after hearing the opinion of the Executive Committee.

Mr. J. Carter (New Zealand), speaking in connection with item 12(c) of the agenda concerning the Committee on Middle East Questions, sought assurances that time would be devoted during the current session to discussing the dysfunctionality of that Committee, which was a matter of serious concern.

The President a.i. reiterated that, in accordance with Rule 13 of the Rules of the Governing Council, the matter would be discussed at the next sitting of the Council after it had heard the opinion of the Executive Committee.

Mr. J. Carter (New Zealand), supported by *Mrs. A. Clwyd (United Kingdom)*, said that the matter had been brought to the attention of the Executive Committee and the Secretary General on numerous occasions. The dysfunctionality of the Committee was an insult to Israel, to Palestine and to the Middle East, as well as a blight on the Assembly. He therefore insisted on an immediate discussion of the issue.

The Secretary General said that the immediate discussion of such substantive issues was precluded by the time constraints of the agenda for the current sitting. As he understood it, however, members of the Committee on Middle East Questions had agreed during the course of recent correspondence with him to draw up recommendations that would serve to inform the discussion of the issue by the Executive Committee and the Governing Council. Nevertheless, no such recommendations had been received.

Mr. J. Carter (New Zealand) said in no uncertain terms that he personally had no knowledge of any such correspondence or agreement.

Mr. T. Quba'a (Palestine) for his part expressed astonishment at the claim that the Executive Committee had not yet had the opportunity to discuss the long-standing request of the Palestine National Council for full membership status. He was unconvinced by the legal justifications cited for the delay, believing instead that it was politically motivated. Palestine was unique in that its observer status with the IPU still continued after 31 years and he therefore urged an immediate decision concerning its request for full membership status.

The President a.i. reiterated that the request would be discussed at the Council's next sitting.

The revised provisional agenda was adopted by the Governing Council on the understanding that a decision on the Syrian request for the inclusion of a supplementary item would be taken at its next sitting, after the opinion of the Executive Committee had been heard.

Item 2 of the agenda

**APPROVAL OF THE SUMMARY RECORDS OF THE 181st SESSION
OF THE GOVERNING COUNCIL
(CL/181/SR.1)**

The summary records of the 181st session of the Governing Council were approved.

Item 3 of the agenda

PROPOSALS FOR THE ELECTION OF THE PRESIDENT OF THE 118th ASSEMBLY

Mr. R. De Almeida (Angola) proposed that Mrs. Baleka Mbete, Speaker of the South African National Assembly, be nominated by the Governing Council for the position of President of the Assembly.

The Governing Council approved the nomination by acclamation.

Item 4 of the agenda

QUESTIONS RELATING TO IPU MEMBERSHIP AND OBSERVER STATUS

**(a) Requests for affiliation and reaffiliation to the Union
(CL/182/4(a)-R.1 and R.2)**

The President a.i. said that the Executive Committee, having favourably considered two requests for reaffiliation to the Union from the Council of Representatives of Iraq and the Parliament of Mauritania, respectively, recommended approval of its decisions on the subject, which were contained in document CL/182/4(a)-R.1.

The Governing Council approved by acclamation the decisions to readmit the Council of Representatives of Iraq and the Parliament of Mauritania as Members of the IPU.

Ms. T. Talaat (Iraq), speaking at the invitation of the President a.i., expressed her Parliament's gratitude for its readmission to the IPU. As a fledgling democracy, Iraq looked forward to support for the institution-building of its Parliament in the interests of ensuring its democratic credentials and its capacity to oversee the work of the Government. The Iraqi Council of Representatives also looked forward to making a positive contribution to the work of the IPU.

Mr. H.B. Kane (Mauritania), similarly speaking at the invitation of the President a.i., said that his Parliament was honoured to be readmitted as a Member of the IPU family. It was his hope that the current Assembly would serve to deepen the roots of democracy worldwide for the benefit of all peoples.

The President a.i. said that the Executive Committee had also favourably considered a request for affiliation to the Union by the National Parliament of the newly independent country of Timor-Leste. It therefore recommended approval of its decision on the subject, which was likewise contained in document CL/182/4(a)-R.1.

The Governing Council approved by acclamation the decision to admit the National Parliament of Timor-Leste as a Member of the IPU.

Ms. M. Viegas (Timor-Leste), speaking at the invitation of the President a.i., said that her National Parliament was honoured to be admitted as a Member of the IPU, which she thanked for all of the support lent throughout the six years of her country's independence. She was confident that the new formal ties now commenced with the IPU would be fruitful and that her Parliament's full commitment to the promotion of parliamentary democracy would be demonstrated by its action.

The President a.i. said that she looked forward to the submission of several other requests for affiliation during the current Assembly by other parliaments that were actively considering membership of the IPU. The Executive Committee had also examined a request for associate membership submitted by the Inter-Parliamentary Committee of the West African Economic and Monetary Union (WAEMU) and had recommended, as set forth in document CL/182/4(a)-R.2, that the request be granted.

The Governing Council approved by acclamation the recommendation to grant associate membership to WAEMU.

(b) Situation of certain Members

The President a.i. informed the Council that the Parliament of Guinea had fully settled its financial arrears to the IPU only days after the decision to suspend its membership had been adopted in October 2007. The Executive Committee therefore recommended that the Governing Council revoke that decision in order to enable the Parliament of Guinea to resume its status as a Member and participate in the current Assembly with full rights.

The Governing Council approved by acclamation the recommendation to revoke its decision to suspend the membership of the Parliament of Guinea in the IPU.

The President a.i. welcomed the resumption of full membership status in the IPU by the Parliament of Thailand, which had newly convened in the wake of the Thai elections held in December 2007. She congratulated the Parliament on the outcome of that process, which had been closely followed throughout by the Executive Committee.

The Governing Council noted the oral report on the situation of certain Members.

(c) Requests for observer status
(CL/182/4(c)-P.1)

The President a.i. said that the Executive Committee had examined a request for observer status submitted by Human Rights Watch, as a result of which it recommended, as set forth in document CL/182/4(c)-P.1, that the request be granted.

The Governing Council approved by acclamation the recommendation to grant observer status to Human Rights Watch.

Item 5 of the agenda

REPORT OF THE PRESIDENT

(a) On his activities since the 181st session of the Governing Council

The Secretary General, speaking on behalf of the President, said that, in November 2007, the President had chaired the Annual Parliamentary Hearing at the United Nations in New York, where he had conducted useful discussions with senior United Nations officials, including the President of the General Assembly and the Deputy Secretary-General, on the strengthening of cooperation between the two institutions. In early 2008, he had conducted an official visit to the Middle East, accompanied by the Secretary General, during which time he had held talks with the Palestinian leadership in Ramallah and with the President of the Palestinian National Authority. He had also visited the Palestinian Legislative Council, while the Secretary General, for his part, had met with the leadership of the Palestine National Council (PNC) in Amman. Those particular discussions now informed the Executive Committee in its examination of the request by the PNC for membership of the IPU. In Israel, the President had addressed the Knesset and met with its leadership and with senior Israeli officials, including the President, the Prime Minister and the Minister for Foreign Affairs, with whom he had raised issues of direct concern to the IPU, such as matters relating to the peace process, to the detention of Palestinian legislators and to the IPU Committee on Middle East Questions. Lastly, during the current month of April 2008, the President had received various senior officials, including heads of State and parliamentarians, in Rome.

The Governing Council took note of the oral report by the Secretary General on the activities of the President since its 181st session.

(b) On the activities of the Executive Committee

The President a.i. said that the Executive Committee had thus far met twice during the current Assembly and would also meet on a third occasion in order to complete its discussion of the outstanding issues on its agenda. Reports on its deliberations would be submitted for the consideration of the Governing Council on the final day of the Assembly.

The Governing Council took note of the oral report by the President a.i., on the activities of the Executive Committee.

Item 6 of the agenda

**ANNUAL REPORT BY THE SECRETARY GENERAL ON THE ACTIVITIES
OF THE IPU FOR 2007**

The Secretary General, introducing his report, said that it was divided into sections that attempted to capture the activities of the IPU for 2007, covering as they did the subjects of climate change at the Bali Assembly and beyond; democracy; working with the United Nations; HIV and AIDS; children; defending the human rights of parliamentarians; women in politics; technical cooperation projects; and disseminating information. The annex to the report also contained information pertaining to IPU finances and the composition of various IPU bodies. His recommendation was that Members should examine the report in greater detail and table it before their own parliaments in order to raise awareness of the broad range of activities in which the IPU was involved.

Concerning the preparations for the current Assembly, which were not extensively covered in the report, he drew particular attention to the collaborative efforts of the IPU with United Nations organizations, primarily the United Nations Children's Fund and the World Health Organization, and with research institutions and medical publications, in preparing for the forthcoming panel on the subject of maternal, newborn and child health. He announced that Members were invited to a parallel meeting, Countdown to 2015, at which they could engage with and learn from global health experts as they tracked the record of countries towards meeting the Millennium Development Goals of reducing child mortality and improving maternal health. Such events were an excellent example of cooperation between the IPU and the United Nations in support of parliamentary action to achieve the Millennium Development Goals.

The Governing Council took note of the annual report by the Secretary General on the activities of the IPU for 2007.

Item 12 of the agenda

ACTIVITIES OF COMMITTEES AND OTHER BODIES

**(e) Committee to Promote Respect for International Humanitarian Law
(CL/182/12(e)-R.1)**

The President a.i. invited the Governing Council to approve a proposal, contained in document CL/182/12(e)-R.1, to alter the membership of the Committee to Promote Respect for International Humanitarian Law, which had hitherto been composed of members of the Bureau of the Third Standing Committee.

The Governing Council approved the proposal relating to the modalities for the Ad Hoc Committee to Promote Respect for International Humanitarian Law.

(ii) Election of six titular and six substitute members
(CL/182/12(e)-P.1 to P.5)

The President a.i. said that, given the Council's approval of the proposal relating to the modalities of the Ad Hoc Committee to Promote Respect for International Humanitarian Law, it would be necessary to elect six titular and six substitute members for that Committee. Seven candidatures had thus far been received. The four candidates for titular membership were: Mr. H. Hamoudi (Iraq); Mrs. B.M. Gadiant (Switzerland); Ms. W. Chandrawila (Indonesia); and Mr. J.C. Romero (Argentina). The three candidates for substitute membership were: Mr. A. Kurt (Turkey); Ms. B. Gohar (Pakistan); and Mrs. E. Arguedas (Costa Rica). If she heard no objection, she would take it that the Council wished to elect those candidates.

The Governing Council elected by acclamation the four candidates for titular membership and the three candidates for substitute membership of the Ad Hoc Committee to Promote Respect for International Humanitarian Law.

Item 15 of the agenda

AMENDMENTS TO THE STATUTES AND RULES
(CL/182/15-P.1 and P.2)

The President a.i. invited the Council to approve the proposed amendments to the Financial Regulations, which had been endorsed by the Executive Committee at its 249th session in Geneva and were contained in document CL/182/15-P.1.

The Governing Council approved the proposed amendments to the Financial Regulations.

The President a.i. invited the Council to approve the proposed amendments to the Rules of the Meeting of Women Parliamentarians and of its Coordinating Committee, which had been designed to facilitate the continuity of work and were contained in document CL/182/15-P.2.

The Governing Council approved the proposed amendments to the Rules of the Meeting of Women Parliamentarians and of its Coordinating Committee.

The meeting rose at 10.05 a.m.

SECOND SITTING

Friday, 18 April 2008
(Morning)

The meeting was called to order at 10.10 a.m. with Ms. K. Komi (Finland), Vice-President a.i. of the Executive Committee, President a.i., in the Chair.

Item 1 of the agenda
(continued)

ADOPTION OF THE AGENDA (CL/182/A.2, 1-P.1 and P.2)

The President a.i. said that the Executive Committee had held lengthy deliberations concerning the request of the Palestine National Council for full membership in the IPU. As a result, it had reached consensus to invite the Governing Council to adopt the decision, contained in document CL/182/1-P.2, to take the necessary steps to admit the Parliament of Palestine as a Member of the IPU and instruct the Executive Committee to meet in extraordinary session to prepare the necessary amendment to the IPU Statutes and circulate it to the Members in time for its adoption in Geneva at the next Assembly in October 2008. If she heard no objection, she would take it that the Governing Council wished to adopt that decision.

The Governing Council adopted the decision to take the necessary steps to admit the Parliament of Palestine as a Member of the IPU.

The President a.i. said that, in the light of that decision, the view of the Executive Committee was that there was no longer any need for the inclusion of a supplementary item in the agenda, as requested by the delegation of the Syrian Arab Republic on behalf of the Arab Group and set forth in document CL/182/1-P.2. If she heard no objection, she would take it that the Governing Council agreed with that view.

The Governing Council agreed with the view of the Executive Committee.

The President a.i. said that, if she heard no objection, she would take it that the Governing Council wished to adopt the agenda contained in document CL/182/A.2.

The Governing Council adopted the agenda.

Item 4 of the agenda
(continued)

QUESTIONS RELATING TO IPU MEMBERSHIP AND OBSERVER STATUS

(a) Requests for affiliation and reaffiliation to the Union (CL/182/4(a)-R.3)

The President a.i. said that the Executive Committee, having favourably considered a request for reaffiliation to the Union from the National Assembly of Lesotho, recommended approval of its decision on the subject, which was contained in document CL/182/4(a)-R.3.

The Governing Council approved by acclamation the decision to admit the National Assembly of Lesotho as a Member of the IPU.

Ms. N. Motsamai (Lesotho), speaking at the invitation of the President a.i., said that her Parliament's admission to the IPU was a momentous occasion. As a strong believer in democracy and its ideals and principles, it stood to benefit from joining other representative democratic institutions of the world, which would offer wide opportunities for it to interact, engage and acquire the skills needed to perfect the processes of deepening Lesotho's emerging democracy.

The President a.i. announced that the Parliament of Malawi had stated its intention to seek reaffiliation at the next Assembly in October 2008. The Parliaments of Swaziland and Sierra Leone were also among those having expressed an interest in joining the IPU and it was hoped that the necessary formalities could be completed to enable their submission of a formal application for membership in October.

(b) Situation of certain Members
(CL/182/4(b)-P.1)

The President a.i. said that the Executive Committee had examined the situation of the Parliament of Bangladesh, which had been dissolved in 2006 at the end of its term. A state of emergency had been declared by the interim caretaker Government in January 2007, resulting in the postponement of elections. There was no functioning parliament, although the Constitution stipulated that the Speaker continued to hold office until his successor was appointed. On 17 April 2008, the Speaker had briefed the Executive Committee on the situation. Regrettably, it had decided to recommend that the Governing Council suspend the membership of the Parliament of Bangladesh. As stated in the draft recommendation contained in document CL/182/4(b)-P.1, however, the IPU undertook to monitor the situation as it developed and would revert to the subject of the Bangladeshi status within the IPU at its October session.

Mr. M.J. Sircar (Bangladesh) said that the Parliament of Bangladesh was in a period of transition pending the country's next elections, due to take place in December 2008 at the latest. It was nevertheless functioning in practice, as evidenced by the activities carried out by the Speaker in accordance with the Constitution. Any suspension of its membership in the IPU would therefore be illegal and he urged postponement of a decision of the matter until the October session, by which time the exact date of the elections would have been declared.

The President a.i. said that the Executive Committee had noted those comments. The evidence was, however, that the Parliament of Bangladesh had ceased to function in January 2007, in which case there was no option but to suspend its membership in accordance with the IPU Statutes. She therefore invited the Governing Council to adopt the decision on the subject contained in document CL/182/4(b)-P.1.

The Governing Council adopted the decision to suspend the membership of the Parliament of Bangladesh in the Union.

Item 5 of the agenda
(continued)

REPORT OF THE PRESIDENT

(b) On the activities of the Executive Committee

The President a.i. said that the Executive Committee had had a very full agenda, with much time devoted to questions relating to membership. It had also discussed policy options for offsetting IPU's carbon footprint, in which context it had decided that the broader issue of IPU policy in the sphere of environment merited further reflection and should be included in its October agenda. Furthermore, it had decided that the annual allocation of CHF 50,000 for carbon offsetting should be used to fund IPU environmental projects. In that context, it had discussed the establishment of a small expert group of parliamentarians to advise on the use of that allocation, as well as on environmental policy. The Committee had also decided to consider the discussion of a policy for people with disabilities at its next session. The other matters which it had discussed were covered elsewhere in the agenda.

The Governing Council took note of the report of the President on the activities of the Executive Committee.

Item 7 of the agenda

REPORTS ON RECENT IPU SPECIALIZED CONFERENCES AND MEETINGS

- (a) Seminar on "Migration: The human rights perspective" for members of parliamentary committees on human rights and other committees addressing migration issues**
(CL/182/7(a)-R.1)

The Secretary General, introducing the report on the seminar (C/182/7(a)-R.1), said that the IPU had been organizing such seminars for several years as a forum for information exchange and debate among members of parliamentary committees and caucuses on human rights. The most recent of those seminars had addressed the subject of migration from the human rights perspective. Held in October 2007, it had been well attended and he encouraged Members to take cognizance of the conclusions contained in the report, which had undoubtedly aided preparations for the debate held during the current Assembly on the subject of migrant workers, people trafficking, xenophobia and human rights. He looked forward to the organization of the next such seminar towards the end of the current year.

The Governing Council took note of the report on the seminar on "Migration: The human rights perspective".

- (b) Second regional conference for women parliamentarians and women in political decision-making positions of the Gulf Cooperation Council (GCC) States**
(CL/182/7(b)-R.1)

Mrs. A.A. Al Qubaisi (United Arab Emirates), introducing the report (CL/182/7(b)-R.1), said that her country's Federal National Council, in conjunction with the IPU, had organized the conference to take place in October 2007. Representatives from all six GCC States had

attended and the Arab Republic of Yemen had participated as an observer. She outlined some of the conclusions, set forth in Annex I of the report, which had been reached following the discussion of such matters as women's input into parliamentary work, gender-mainstreaming in parliament, challenges to women in decision-making positions and the role of women's organizations in supporting women in those positions. She also highlighted the content of the Abu Dhabi Declaration, which was contained in annex II of the report.

The Governing Council took note of the report on the second regional conference for women parliamentarians in the GCC States.

(c) Preparatory meeting of parliamentarians held during the International Labour Organization (ILO) Forum on Decent Work for a Fair Globalization
(CL/182/7(c)-R.1)

The Secretary General, introducing the report on the preparatory meeting (CL/182/7(c)-R.1), said that the meeting had comprised a small working group of parliamentarians specializing in labour, employment and social justice issues. He highlighted the conclusions of the meeting, as set forth in the report, in particular the decisive role of parliamentarians in ensuring that minimum labour standards, decent working conditions and an environment free of exposure to harmful agents were reflected in law and supported by appropriate policies. It had also been suggested that the IPU should, with ILO cooperation, develop tools to facilitate parliamentary action on such issues, as well as establish a small advisory group of parliamentarians with experience in the subject matter to advise the IPU on its related policy development. The group's recommendations would be considered when developing the programme of work to be submitted to the Governing Council at the next Assembly in October.

The Governing Council took note of the report on the preparatory meeting of parliamentarians.

(d) Annual parliamentary hearing at the United Nations on "Reinforcing the rule of law in international relations: The key role of parliamentarians"
(CL/182/7(d)-R.1)

The Secretary General, introducing the report on the annual parliamentary hearing at the United Nations (CL/182/7(d)-R.1), said that it provided an excellent overview of the discussions conducted during the hearing of November 2007. In the context of the rule of law in international relations, those discussions had focused on matters relating to the new United Nations management system, disarmament and non-proliferation, international tribunals and the international criminal justice regime, and counter-terrorism. Pursuant to General Assembly resolution 61/6 on cooperation between the United Nations and the IPU, it was the first time that the United Nations had been actively involved in the various stages of preparation for the hearing, which represented a good start to the more substantive integration of such hearings into the work and agenda of the United Nations.

The Governing Council took note of the report on the Annual Parliamentary Hearing at the United Nations.

**(e) Capacity-building Initiative for Parliaments on Sustainable Development:
Regional Seminar for the Parliaments of Asia-Pacific States
(CL/182/7(e)-R.1)**

Mr. P. Phonethep (Lao People's Democratic Republic), introducing the report on the Regional Seminar for the Parliaments of Asia-Pacific States (CL/182/7(e)-R.1), said that the Seminar had been held in his country's capital, Vientiane, in November 2007. Organized by the IPU in cooperation with the United Nations Development Programme (UNDP), it had focused on the three topics of poverty reduction, energy and biodiversity with the aim of furthering understanding of the issues involved in sustainable development through a useful exchange of experiences. The report set forth the problems identified during the debate, as well as suggestions that would enable parliamentarians to play a genuine role in the achievement of sustainable development. The essential problems were: lack of awareness among the public and decision-makers concerning environmental issues; the significance of financial resources to sustainable development; lack of capacity at the sub-national and community levels to combat poverty and protect the environment; and mismanagement of natural resources and environmental degradation owing to the use of second-hand technologies and lack of technical and technological know-how. Lastly, the need for specific follow-up action had been emphasized.

The Governing Council took note of the report on the Regional Seminar for the Parliaments of Asia-Pacific States.

**(f) First Global Parliamentary Meeting on HIV/AIDS
(CL/182/7(f)-R.1)**

Mr. J. Seelam (India), introducing the report on the first Global Parliamentary Meeting on HIV/AIDS (CL/182/7(f)-R.1), said that the Meeting, held in Manila during November 2007, had been spearheaded by the IPU Advisory Group on HIV/AIDS and timed to coincide with World AIDS Day. It had tackled some of the issues faced by parliamentarians in performing their legislative, budgetary, oversight and advocacy functions in connection with HIV/AIDS. The Meeting had also seen the launch of a new Handbook for Parliamentarians entitled *Taking Action against HIV*, which covered major legal and policy issues involved in scaling up access to prevention, treatment, care and support. He outlined the final conclusions set forth in the report under the headings of: providing strong leadership; affordability and accessibility of treatment for persons living with HIV/AIDS; criminalization of transmission; fighting stigma and discrimination; reducing vulnerability among populations at risk; and tailoring the national budget to meet the needs of HIV/AIDS.

The Secretary General added that, on 10 and 11 June 2008, the United Nations would be convening a high-level meeting to undertake a comprehensive review of the progress achieved in realizing the Declaration of Commitment on HIV/AIDS and the Political Declaration on HIV/AIDS, and to promote continued engagement of leaders in a comprehensive global response to AIDS. He encouraged Members to ensure that their national delegations at that meeting included parliamentarians, for whom the IPU would be hosting a briefing session on 9 June 2008. The very impressive Handbook on *Taking Action against HIV* was gradually being translated into other languages as and when funds became available. He therefore urged Members to present the Handbook to their own parliaments, preferably in tandem with related special events that the IPU would be pleased to publicize in order to promote awareness of parliamentary and IPU action on the subject of HIV/AIDS.

The Governing Council took note of the report on the first Global Parliamentary Meeting on HIV/AIDS.

- (g) **Regional seminar on the role of national parliaments and the Parliamentary Forum of the Southern African Development Community (SADC) in ensuring security in southern Africa**
(CL/182/7(g)-R.1)

Mrs. B. Henriques Da Silva (Angola), introducing the report (CL/182/7(g)-R.1), said that the regional seminar, hosted in February 2008 by the National Assembly of Angola, had been co-organized by a number of bodies, including the IPU and the SADC Parliamentary Forum. Attended by members of parliamentary defence and security committees, its aim had been to strengthen parliamentary capacity to address security concerns and create a platform for interactive regional dialogue and sharing of experiences on the subject of security sector governance. As detailed in the report, it had made various observations and identified factors to enhance parliamentary oversight of the security sector. In that regard, it had also made specific recommendations on such matters as the promotion of joint initiatives, the development of training modules and measures to facilitate capacity-building and information-sharing.

The Governing Council took note of the report on the regional seminar.

- (h) **Meeting of parliamentary bodies dealing with the status of women and gender equality on "Women and work"**
(CL/182/7(h)-R.1)

Mrs. M. Xavier (Uruguay), introducing the report (CL/182/7(h)-R.1), said that the meeting, held in December 2007 at ILO Headquarters in Geneva, had been organized by the IPU in conjunction with the ILO. It had therefore provided an excellent opportunity not only to discuss and exchange experiences but also to forge closer links with the ILO. Focusing as it did on the issue of women and work, the discussion had underscored the employment gap between women and men in both developed and developing countries, manifested in the fact that women were generally underpaid and had less prestigious jobs than men. She encouraged Members to consult the report for further details of the meeting, in particular the concluding observations by the Rapporteur.

The Governing Council took note of the report on the meeting of parliamentary bodies dealing with the status of women and gender equality.

- (i) **Parliamentary Forum to Fight Human Trafficking**
(CL/182/7(i)-R.1)

Mr. A. Schieder (Austria), introducing the report on the Parliamentary Forum to Fight Human Trafficking (CL/182/7(i)-R.1), said that the Forum, held in February 2008, had been hosted by the Austrian Parliament and organized by the IPU and the United Nations Global Initiative to Fight Human Trafficking. It had provided an opportunity for fruitful interaction among parliamentarians, experts, academics and others, who had stressed the need to tackle the root causes of human trafficking, including poverty, gender inequality and poor governance. The recommendations formulated during the discussion focused on the parliamentary responsibility to create a comprehensive legal and political framework conducive to combating human trafficking and on the importance of implementation. Parliaments were

also called on to promote the institution of a national day of reflection on human trafficking. Lastly, the participants had fully welcomed the initiative to produce a handbook for parliamentarians as a contribution to the fight against human trafficking.

The Governing Council took note of the report on the Parliamentary Forum to Fight Human Trafficking.

(j) One-day parliamentary meeting on the occasion of the 52nd session of the United Nations Commission on the Status of Women
(CL/182/7(j)-R.1)

Mrs. M. Xavier (Uruguay), introducing the report on the one-day parliamentary meeting (CL/182/7(j)-R.1), said that the meeting, held in New York in February 2008, had provided an excellent opportunity for exchanges among parliamentarians on two main themes: the parliamentary role in maximizing national resources in favour of women and gender equality; and the financing of gender equality in politics. A full summary of the proceedings, including final conclusions, was contained in the report, which she encouraged Members to read.

The Governing Council took note of the report on the one-day parliamentary meeting on the occasion of the 52nd session of the United Nations Commission on the Status of Women.

(k) Regional seminar for parliamentarians from Latin America on "Women shaping politics: Gender, parliamentary representation and legislative agenda"
(CL/182/7(k)-R.1)

Mrs. M. Xavier (Uruguay), introducing the report on the regional seminar for parliamentarians from Latin America (CL/182/7(k)-R.1), said that the regional seminar, held in Montevideo in March 2008, had provided the opportunity to focus on gender-related issues in politics with a view to effecting change. Given the range of participants, it had served as a truly interactive forum on those issues, as outlined in the report, which she encouraged Members to read.

The Governing Council took note of the report on the regional seminar for parliamentarians from Latin America.

(l) Meeting of Women Speakers of Parliament
(CL/182/7(l)-R.1)

Mrs. B. Mbete (South Africa), introducing the report on the Meeting of Women Speakers of Parliament (CL/182/7(l)-R.1), said that the meeting had been held in Cape Town on the theme of "Combating poverty: Investing in women". Two main topics had been addressed: "Reducing women's poverty and exclusion and addressing discrimination"; and "Liberating women's economic potential: Investing in women". Issues covered during the discussions had included gender-budgeting, which had been highlighted as a valuable tool for combating poverty and ensuring that national budgets gave due consideration to financial impacts on women and men. As stated in the report, it had been agreed that future meetings of Women Speakers of Parliament should continue to be hosted by the IPU or by Women Speakers.

The Governing Council took note of the report on the Meeting of Women Speakers of Parliament.

(m) Meeting to promote parliamentary input into the implementation of the 2001 Brussels Programme of Action (BPOA) through developing parliamentary support groups in the least developed countries (LDCs)
(CL/182/7(m)-R.1)

Mr. I. Mtulia (United Republic of Tanzania), introducing the report on the meeting (CL/182/7(m)-R.1), said that the principal objective of the meeting, organized by the IPU and the United Nations and held in Tanzania in December 2007, had been to strengthen mechanisms to ensure parliamentary input to implementation of the BPOA. The attendance by representatives of 7 out of the 10 LDC pilot parliaments underscored the importance attached to the BPOA by those parliaments. Following an in-depth briefing on the BPOA, the role of parliaments in its implementation had been highlighted, with emphasis on the rule of law and good governance. Recommendations included capacity-building of LDC parliaments, awareness-raising of the BPOA and closer cooperation between LDC parliaments and national focal points. Lastly, a joint IPU-United Nations project was poised to strengthen the capacity of all LDC parliaments to implement, monitor, assess and provide follow-up to the BPOA.

The Governing Council took note of the report on the meeting to promote parliamentary input into the implementation of the 2001 BPOA through developing parliamentary support groups in the LDCs.

Item 8 of the agenda

COOPERATION WITH THE UNITED NATIONS SYSTEM
(CL/182/8-R.1, R.2, 8-P.1 to P.5 and UNC/AG/R.1)

The Secretary General said that the many activities undertaken in cooperation with the United Nations system since the last IPU Assembly were outlined in the brief checklist contained in document CL/182/8-R.1, of which he encouraged Members to take cognizance.

Turning to the subject of activities due to take place at United Nations headquarters in New York, he drew attention to document CL/182/8-R.2, in which it was recalled that the usual biennial report on IPU cooperation with the United Nations would be considered at the forthcoming sixty-third regular session of the United Nations General Assembly. A draft resolution on the subject would also be tabled for adoption. As past experience had shown, input from IPU Members played a significant part in the drafting and adoption of that resolution. He therefore urged Members to engage in a collaborative dialogue with their permanent missions in New York with a view to aiding and facilitating that process. Formal suggestions as to the content of the draft resolution would undoubtedly be made at the next IPU Assembly and he looked forward to ambitious recommendations for strengthening IPU cooperation with the United Nations that would attract an even broader consensus than that already achieved in the past. To that end, he also urged Members to seek the co-sponsorship of their respective ministries for the draft resolution.

The same document also highlighted three debates scheduled to take place at the United Nations in New York on subjects of specific interest to parliaments and the IPU: on 10 and 11 June 2008, the high-level meeting on HIV/AIDS, which he had already mentioned in connection with item 7(f) of the agenda; a forthcoming General Assembly debate on implementation of the United Nations Global Counter-Terrorism Strategy; and on

23 September 2008, a high-level meeting on the Millennium Development Goals. He called on parliaments to ensure that their members were included in national delegations attending those meetings in particular.

On the subject of the IPU's work with the new Development Cooperation Forum (DCF) of the Economic and Social Council of the United Nations, summarized in the note contained in document CL/182/8-P.1, he recalled IPU's attendance at the DCF launch in July 2007 and at two subsequent preparatory symposiums. The IPU had now been invited to organize a parliamentary session at a first Stakeholder Forum, to be held in June 2008 in Rome for the purpose of gathering input from parliaments, civil society and local governments. In that context, he encouraged parliamentarians involved in development cooperation issues to establish a small group with a view to making a substantive contribution at the Forum to supplement that provided by the draft resolution to be adopted on the subject of parliamentary oversight of State policies on foreign aid. A report on the Stakeholder Forum would be presented to the DCF in July 2008. Further details of the IPU recommendation on the subject, including cost, were set forth in the same note (CL/182/8-P.1).

The President a.i. said that, if she heard no objection, she would take it that the Governing Council wished to approve the recommendation concerning IPU participation in the Stakeholder Forum.

The Governing Council approved the recommendation.

The Secretary General, turning to the subject of IPU cooperation with the United Nations in the area of financing for development, outlined in document CL/182/8-P.2, said that the IPU had been approached by the United Nations in connection with the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, to be hosted by the Government of Qatar in late 2008. In short, it had invited the IPU to hold a side event in the form of a parliamentary briefing with the aim of mobilizing maximum support from parliaments in the area of financing for development. Further details of the IPU recommendations on the subject, including cost, were set forth in the same document (CL/182/8-P.2).

The President a.i. said that, if she heard no objection, she would take it that the Governing Council wished to approve the recommendations concerning the organization of a parliamentary briefing during the Conference.

The Governing Council approved the recommendations.

The Secretary General drew attention to the report on the meeting of the Advisory Group of the IPU Committee on United Nations Affairs (UNG/AG/R.1), held on the eve of the annual parliamentary hearing at the United Nations in November 2007, and highlighted a number of the suggestions contained in it. The Advisory Group had, for instance, suggested the conduct of joint field visits with national parliaments in order to study and report on system-wide coherence of the United Nations in action. A proposal for the first such field visit was outlined in document CL/182/8-P.3. Further suggestions included the organization of a panel discussion on lessons learned in peace-building exercises, bearing in mind the role of parliaments in reconciliation efforts, and monitoring of compliance with international commitments, including the Millennium Development Goals. In that context, he referred first to the panel discussion held during the current Assembly on issues relating to child mortality and maternal health, which constituted two of those Millennium Development Goals, and secondly to a parallel event (Countdown to 2015) on maternal, newborn and child survival.

The clear message had been that parliaments should be more actively engaged in pursuing action in support of the Millennium Development Goals, to which end the establishment of a 12-month partnership between the IPU and Countdown to 2015 had been mooted. Another suggestion had been to invite such figures as the UNDP Administrator to address the Committee. He pointed out that the new Memorandum of Understanding on IPU-UNDP cooperation also provided opportunities for UNDP cooperation with national parliaments in the area of technical assistance and training. He therefore urged parliaments to pursue such cooperation and to inform the IPU of the results for the purpose of follow-up with UNDP in New York.

The President a.i. said that, if she heard no objection, she would take it that the Governing Council wished to approve the proposal for the field visit contained in document CL/182/8-P.3.

The Governing Council approved the proposal.

The Secretary General drew attention to the modalities for the functioning of the Advisory Group, set forth in document CL/182/8-P.4, which, bearing in mind the current informal status of the Group, had been prepared for clarification purposes. The participants in the Group were listed in the annex to the document. The Executive Committee recommended approval of their membership of the Group for a two-year term commencing in April 2008, on the understanding that additional candidates might subsequently be nominated for membership.

The President a.i. said that, if she heard no objection, she would take it that the Governing Council wished to approve the recommendation concerning the membership of the Group.

The Governing Council approved the recommendation.

The Secretary General drew attention to a draft parliamentary message to the twelfth session of the United Nations Conference on Trade and Development (UNCTAD XII), which was due to take place in Accra the following week. Given that the session was to follow so closely in the wake of the current Assembly, the IPU had been unable to organize a parallel parliamentary meeting in Accra. The Executive Committee therefore recommended approval of the draft parliamentary message for transmission to the session by the Speaker of the Ghanaian Parliament.

The President a.i. said that, if she heard no objection, she would take it that the Governing Council wished to approve the recommendation concerning the draft parliamentary message to UNCTAD XII.

The Governing Council approved the recommendation.

The President a.i. drew attention to a significant new report entitled the *World e-Parliament Report 2008*. The report represented the first effort to establish a baseline of how parliaments used information and communication technologies (ICT) in their work. It had been produced by the Global Centre for ICT in Parliament, which was a joint IPU-United Nations initiative, and drew on the experiences of 105 parliamentary chambers. While ICT was a major challenge for parliaments, its potential to strengthen democracy by engaging citizens in the political process and work of parliament should nevertheless be embraced. As

shown in the report, parliaments now commonly communicated information about their activities via the Internet, with the result that they were more open, transparent, accessible and accountable. Not all parliaments, however, were progressing at the same speed in terms of providing basic ICT facilities to members and exploiting the full ICT potential. With that in mind, the report contained various recommendations, including better inter-parliamentary cooperation and coordination and knowledge-sharing in order to narrow such ICT gaps. The IPU was ready to assist to that end through the Global Centre for ICT in Parliament. A copy of the report had been circulated to Members and would also be made available to all parliaments.

The Governing Council took note of the *World e-Parliament Report 2008*.

Item 9 of the agenda

CONSOLIDATION OF THE REFORM OF THE INTER-PARLIAMENTARY UNION
(CL/182/9-P.1)

The President a.i. said that the Executive Committee, having received an advance copy of the report of the Committee on Middle East Questions, had expressed full support for the recommendations made with a view to improving the functioning of that Committee. It was hoped that those recommendations would be endorsed following consideration of the report under item 12 of the agenda. Concerning the appointment of vice-presidents to assist the work of the President in between statutory sessions, in accordance with Article 19 (5) of the Statutes, as amended, three of the requisite six appointments had thus far been made from among the Executive Committee members: Mrs. E. Papadimitriou of Greece, representing the Twelve-Plus Group; Mr. A. Kozlovskiy of the Russian Federation, representing the Eurasia Group; and Mr. A. Toha of Indonesia, representing the Asia-Pacific Group.

The Secretary General drew attention to a draft set of rules and practices for the Advisory Group on HIV/AIDS, set forth in document CL/182/9-P.1. The Advisory Group had been very proactive in the fight against AIDS and its funding by the Swedish International Development Cooperation Agency (SIDA) was to be renewed for a further three years. The Executive Committee had recommended approval of the draft set of rules and practices prepared in order to regularize the functioning of the Group.

The President a.i. said that, if she heard no objection, she would take it that the Governing Council wished to approve the draft set of rules and practices for the Advisory Group on HIV/AIDS, contained in document CL/182/9-P.1.

The Governing Council approved the draft set of rules and practices for the Advisory Group on HIV/AIDS.

Item 10 of the agenda

FINANCIAL RESULTS FOR 2007
(CL/182/10-R.1 to R.4)

The Secretary General, introducing the Financial Report and Audited Financial Statements (CL/182/10-R.1), said that the IPU had reported an operating surplus for the sixth consecutive year, as well as the strongest cash position in its history. He outlined the situations

detailed in the report relating to revenues, with particular focus on voluntary contributions, and to expenses, gender analysis of expenditures, the Staff Pension Fund and the programme results contained in schedule 2. Lastly, he said that the Executive Committee recommended approval by the Governing Council of the recommendations set forth in page 9 of the report.

Mr. J. Fairouz (Bahrain) observed that, as stated in Note 3 of the Financial Statements, 34 Members were in arrears, in some cases for periods of up to four years. Amounting as it did to CHF 1.2 million, the sum of the arrears represented a considerable proportion of the budget. He therefore asked why the relevant Articles of the Statutes had not been applied to those Members. He further observed that only 42 per cent of assessed contributions had been received by the statutory deadline of 31 March 2008. Secondly, he queried the figures relating to the project budget in 2007 and asked why only 10 per cent of projects had been implemented during the first quarter of 2008.

The Secretary General said that, notwithstanding IPU insistence on the statutory deadline for the payment of financial contributions, the capacity of some parliaments, including major donors to the IPU budget, to meet that deadline was influenced by the cycle of their financial year. Article 5.2 of the Statutes concerning the voting and other rights of a Member in arrears was strictly applied. In the case of a Member in arrears for over three years, the practice was to deliver a stern warning to such Members at the first annual session of the Governing Council. If no payment was received before the following session, the Member in question was suspended. Such a delay in suspension had no impact on the budget. In a few very exceptional cases where it had believed that genuine efforts were being made to pay the arrears, the Executive Committee had allowed some leeway for the parliament concerned to resolve its difficulties, as in the case of the Democratic Republic of the Congo, for instance. Where no such efforts were in evidence, however, the Member would be suspended, as in the case of the Parliament of Guinea, which had subsequently made swift payment.

As for the non-implementation of projects, he recalled the decision taken two years earlier for the IPU to seek voluntary contributions as a way of supplementing the financial contributions and staff assessments that had until then constituted its entire budget. In the light of that decision and in the interest of transparency, the Governing Council had been asked to approve extrabudgetary funding for various democracy-related projects. At that time, however, the IPU had yet to build donor confidence, in the absence of which the funding target had not been met, a situation that had since changed, as indicated in the report on voluntary funding (CL/182/10-R.4).

The President a.i. said that, if she heard no objection, she would take it that the Governing Council wished to approve the recommendations set forth in the Financial Report and Audited Statements.

The Governing Council approved the recommendations set forth in the Financial Report and Audited Financial Statements.

Mr. D. Pacheco (Portugal) (Internal Auditor), speaking also on behalf of his fellow Internal Auditor, Mr. R. Khan of India, introduced the Internal Auditors' Report (CL/182/10-R.2), in which context he drew specific attention to the conclusions drawn.

The Governing Council took note of the Internal Auditors' Report.

The Secretary General, introducing the report on the financial situation of the Union at 31 March 2008 (CL/182/10-R.3), outlined details relating to the regular revenues and expenditures in such areas as the devaluation of current assets, reduced operating expenses, reduced revenues and the Pension Fund liability. He also highlighted the situation concerning project revenues and expenditures, carbon emissions, receipts of assessed contributions and arrears of contributions for past years.

The Governing Council took note of the report on the financial situation of the IPU.

The Secretary General, introducing the report on voluntary funding (CL/182/10-R.4), said that the IPU had received voluntary funding in support of its activities from the Canadian International Development Agency (CIDA), SIDA and Irish Aid, as well as from the United Nations Democracy Fund. Additional funding from other donors was also in the pipeline. A mechanism had been established for the purpose of instituting an annual meeting with donors for the purpose of discussing funding activities. He looked forward to the repeated success of the first such meeting, which had been held in March 2008.

The Governing Council took note of the report on voluntary funding.

Item 11 of the agenda

**ACTION BY THE IPU TO STRENGTHEN DEMOCRACY
AND PARLIAMENTARY INSTITUTIONS**

(CL/182/11-P.1)

The Secretary General introduced document CL/182/11-P.1, which traced IPU's recent work to promote democracy and recommended that the IPU should encourage national parliaments to celebrate the International Day of Democracy on the date of 15 September. In a process spearheaded by Qatar, the General Assembly of the United Nations had chosen that date at the suggestion of the IPU, which had been inspired by the date of the adoption of the Universal Declaration on Democracy in 1997. He drew particular attention to paragraph 9 of the document, which contained suggestions for an IPU contribution to the International Day on Democracy, including national parliamentary events, a celebration at IPU Headquarters and an event at the United Nations in New York. He also drew attention to paragraphs 10 and 11 of the document, which contained ideas for possible tools to be developed in connection with such events. Any expenditure incurred by the IPU in connection with the proposals made would necessarily be met through existing budgetary resources. In short, parliaments were strongly recommended to commemorate the event. The IPU would be pleased to assist any efforts in that regard.

The Governing Council took note of document CL/182/11-P.1.

Item 12 of the agenda

ACTIVITIES OF COMMITTEES AND OTHER BODIES

(a) Meeting of Women Parliamentarians
(CL/182/12(a)-R.1 to R.3)

Ms. G. Mahlangu-Nkabinde (South Africa), introducing the report on the Meeting of Women Parliamentarians (CL/182/12(a)-R.1), said that the Meeting served as an important forum through which women were able to make their voices heard at the IPU Assembly and contribute substantively to its discussions. It was also a valuable platform for the exchange of ideas among women and enhanced solidarity on gender issues. She highlighted the Meeting's contribution to the work of the Third Standing Committee and its dialogue session on the subject of women and the media, as well as its launch of the IPU survey entitled *Equality in politics: A survey of women and men in parliaments*. She urged dissemination of the survey results to all parliaments, which should take steps to assess their own gender sensitivity. She outlined the adopted amendments to the Rules of the Meeting of Women Parliamentarians and of its Coordinating Committee, in which context she congratulated the 24 new members of the Committee, as well as its new President and First and Second Vice-Presidents. Full details of the Committee membership were contained in document CL/182/12(a)-R.2. The new Coordinating Committee had stressed its commitment to ensuring a strong women's presence within the IPU and to reinforcing the work on women in politics. It had already held a first lively and constructive meeting at which two priority areas of focus had been identified: violence against women, in which regard she called on the IPU to support the five-year campaign launched by the United Nations Secretary General; and follow-up to the panel on maternal, newborn and child survival and to Countdown to 2015.

The Governing Council took note of the report of the Meeting of Women Parliamentarians.

The meeting rose at 1 p.m.

THIRD SITTING

Friday, 18 April 2008
(Afternoon)

The meeting was called to order at 2.30 p.m., with Ms. K. Komi (Finland), Vice-President a.i. of the Executive Committee, President a.i., in the Chair.

Item 12 of the agenda
(continued)

ACTIVITIES OF COMMITTEES AND OTHER BODIES

(a) Meeting of Women Parliamentarians
(CL/182/12(a)-R.1 to R.3)

Ms. N. Madlala-Routledge (South Africa) (Rapporteur of the Panel), introducing the report on the panel on the theme of *Leading the change for maternal, newborn and child survival* (CL/182/12(a)-R.3), said that aim of the joint IPU-UNICEF panel had been to engage

and inform parliaments on the elements of a functioning health system and on interventions essential to reducing maternal, newborn and child mortality. After outlining the factual information contained in the report, she focused on various highlights of the discussion, in particular measures needed to achieve progress in maternal, newborn and child survival. In that regard, key elements to ensuring access to a continuum of health care backed by strong national health systems included: community-level integration of essential services; training and recruitment; access to information and education; and quality data to inform policies and programmes. Parliamentarians had a pivotal role to play in achieving such objectives by creating and enforcing relevant legislation, ensuring adequate budgetary funding and holding governments accountable. It was also necessary to tackle other related issues, including violence against women and children, gender inequality and social attitudes. The basis for action was already well established. The question therefore concerned the will to engage in the noble and rewarding enterprise of saving lives of children and mothers.

The Governing Council took note of the report on the Panel on *Leading the change for maternal, newborn and child survival*.

(b) Committee on the Human Rights of Parliamentarians
(CL/182/12(b)-R.1 and R.2)

Mrs. S. Carstairs (Canada) (President of the Committee), introducing the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), said that during the current session, the Committee had examined 70 cases in 35 countries and held 12 meetings with delegations or representatives of the parliamentarians concerned. It had also met with the victims or their representatives in five of the cases. The resolutions submitted for approval by the Governing Council concerned the cases of 220 parliamentarians in 20 countries around the world.

Cases proposed for closure by the Committee owing to their settlement

Honduras

The Committee's examination of its longest-standing case had fortunately come to a satisfactory end. Mr. Pavón had been murdered in 1988, following testimony he had given to the Inter-American Court of Human Rights on disappearances in Honduras. After having come to a virtual standstill, the investigation had been reopened in 1996, in great part owing to the insistence of the Committee, and had led to the identification of two military officers as suspects. One of them had died in Hurricane Mitch. A long trail had led to the arrest, extradition, and prosecution of the other suspect. He had recently been found guilty and was serving his sentence.

The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Miguel Angel Pavón Salazar which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹

Malaysia

Mr. Anwar Ibrahim, former Deputy Prime Minister and Finance Minister of Malaysia, had spent six years in prison on charges of corruption and sodomy until the Federal Court had quashed his conviction in the sodomy case. He had been unable to stand in the recent

¹ See Annex III for the text of the resolution.

elections in Malaysia, having recovered his rights only on the preceding Monday. But he had been able to campaign and apparently had done so successfully, since the number of his party's seats had risen from 1 to 31. His wife, who had been re-elected, had announced her intention to step down, which would open the way for her husband to rejoin the parliament through a by-election. In the light of those developments, the Committee proposed that the Governing Council should close the case.

The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Anwar Ibrahim which had been submitted to it by the Committee on the Human Rights of Parliamentarians.²

Mongolia

Positive developments had also occurred in the case concerning the murder of Mr. Zorig Sanjasuuren 10 years earlier. Germany and the United Kingdom had favourably responded to Mongolia's official request for technical assistance with the investigation. It was safe to say that such a result was in no small part due to the Committee's insistence and the cooperation of the Parliaments of Germany and the United Kingdom. It was hoped that Japan, which had similarly been asked for assistance, would also respond favourably, and that a team of forensic experts would soon be able to travel to Ulaanbatar to help solve the crime. The Committee would continue to follow developments and proposed to report back to the Governing Council in due course.

The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Zorig Sanjasuuren which had been submitted to it by the Committee on the Human Rights of Parliamentarians.³

Pakistan

In April 2004, Mr. Javed Hashmi had been found guilty of circulating an allegedly forged letter criticizing the army and its leadership, and he had been sentenced to 23 years' imprisonment. He had been released in August 2007 and had meanwhile been re-elected to parliament. During its current session in Cape Town, the Committee had had the pleasure of meeting Mr. Hashmi personally. He had come all the way from Pakistan to thank the Committee for its support throughout his incarceration. The Committee proposed that the Governing Council should close the case owing to its satisfactory settlement.

The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Makhdoom Javed Hashmi which had been submitted to it by the Committee on the Human Rights of Parliamentarians.⁴

Cases pending before the Committee

Bangladesh

There was some progress to report concerning the investigations into the grenade attacks in January 2005 on Mr. Shah Ams Kibria, a former Finance Minister of Bangladesh, which had claimed his life, and in August 2004 on Ms. Sheikh Hasina, leader of the Awami League and

² See Annex IV for the text of the resolution.

³ See Annex V for the text of the resolution.

⁴ See Annex VI for the text of the resolution.

former Prime Minister, who had been more fortunate. The focus in the investigation had now shifted to the possible implication of an Islamic extremist group and had led to the arrest of several of its members. The Committee hoped that the authorities would soon reveal the findings that supported such a shift of focus. At the same time, the Committee was keen to know what had happened to those who had been originally arrested in Mr. Kibria's case, and whether the allegation that four of them were tortured had been looked into.

While the case of Ms. Sheikh Hasina had at first only concerned the grenade attack on her life, it had since July 2007 also concerned her arrest and prosecution on charges of extortion and corruption under the far-reaching Emergency Power Rules, accusations which she denied. In fact, the source had voiced concern that her prosecution could be intended to prevent her from engaging in political activity and contesting the elections later in the year. There was concern that one of the co-accused may have been tortured. The Committee had invited the Bangladesh authorities to provide official information on those points and requested the Secretary General to send an expert to observe the trial.

The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Shah Ams Kibria and to the case of Ms. Sheikh Hasina which had been submitted to it by the Committee on the Human Rights of Parliamentarians.⁵

Belarus

Mr. Gonchar, a prominent politician in Belarus and fierce opponent of President Lukashenko, had disappeared, together with his friend Mr. Krasovsky, more than eight years previously and had still not been found. In 2004, the Parliamentary Assembly of the Council of Europe had endorsed the report of its Rapporteur, Mr. Pourgourides, who had concluded that steps had been taken at the highest State level to cover up the real circumstances surrounding the disappearances. The Committee believed that there were a number of essential points that, if fully investigated, would help shed more light on the circumstances and motives of their disappearances. The Belarusian delegation had provided the Committee in Cape Town with an extensive document, which it was hoped would finally provide some answers to those long-standing questions.

The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Victor Gonchar which had been submitted to it by the Committee on the Human Rights of Parliamentarians.⁶

Burundi

As the Governing Council was aware, the Committee was examining two long-running cases of murders of six parliamentarians and of an attempt on the life of another, all of which had taken place in the 1990s. Disappointingly, the parliamentary working group in Burundi entrusted with giving further impetus to those cases had not been able to do so since it had first met in October 2007 owing to the current political climate in the country. The Committee remained convinced that, together with a strong and effective Truth and Reconciliation Commission, which hopefully would soon be established, the working group could make a crucial contribution to advancing justice in these cases. The Committee therefore called on the parliamentary authorities to make every effort, with the assistance of the Inter-Parliamentary Union, to allow the working group to fulfil its mission. At the same time, the

⁵ See Annexes VII and VIII for the texts of the resolution.

⁶ See Annex IX for the text of the resolution.

Committee considered that, irrespective of the working group and the Truth and Reconciliation Commission, the authorities should act without delay on the important leads in several of the cases to ensure justice.

The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. S. Mfayokurera, Mr. I. Ndikumana, Mr. G. Gahungu, Ms. L. Ntamutumba, Mr. P. Sirahenda and Mr. G. Gisabwamana, and to the case of Mr. Norbert Ndiokubwayo which had been submitted to it by the Committee on the Human Rights of Parliamentarians.⁷

Colombia

The Committee had been glad to meet with a delegation from Colombia in Cape Town and have an opportunity to hear first-hand about developments in Colombia. There was certainly good news to report. Five of the six former Congress members who were in the hands of Colombia's main guerrilla group, Fuerzas Armadas Revolucionarias de Colombia (FARC), had been released since the beginning of 2008. Their release had put an end to years of agonizing uncertainty for them and their families. That said, recently released footage showing a seriously weakened Mr. Lizcano, the only remaining former Congressman still in FARC hands, and the prolonged suffering of many others in captivity in the jungle of Colombia underscored the need for their urgent release. The Committee therefore continued to urge the Government of Colombia and FARC to persist in their efforts to conclude a humanitarian agreement. The Committee also intended to cooperate closely with the President of the Colombian Congress to organize a meeting in support of such an agreement.

In the cases of parliamentarians belonging to the Patriotic Union (Unión Patriótica - UP) who had been assassinated or forced into exile, the Committee was pleased to inform the Governing Council that the Inter-American Commission would soon rule on the merits of the cases, which the Committee believed to be essential to ensuring that full justice was done.

Security risks remained a daily concern for many Colombian Congress members. The Committee was obliged to bring to the attention of the Governing Council the case of Mr. Wilson Borja, who had been targeted in a murder attempt in 2000 and regularly received death threats. Although his life was clearly at risk, the authorities had decided to withdraw his security detail. The Committee urged them to remedy that situation as a matter of urgency, provide him with effective protection and investigate the threats.

Senator Gustavo Petro had been at the forefront in denouncing links between paramilitary groups and members of the Colombian Congress, which had given rise to a political scandal of enormous proportions. Although he enjoyed an extensive security detail, the Committee believed that those measures would ultimately fail if the perpetrators of the threats against him were not identified and brought to justice. The same was true in the case of Senator Córdoba. The Committee therefore urged the authorities to take all necessary action to that effect.

Finally, there was the case of former congressman Jorge Tadeo Lozano, who had been convicted and given a heavy prison sentence in 2000 as a result of fundamentally flawed proceedings. Although he had been on parole since 2004, there were allegations about undue limitations on his freedom. The Committee had now been informed that the Inter-American Commission could soon take action in his case and thus address the multiple concerns that had emerged.

⁷ See Annexes X and XI for the texts of the resolutions.

The Governing Council unanimously adopted the seven draft resolutions relating to the case of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas, to the case of Mr. Hernán Motta Motta, to the case of Ms. Piedad Córdoba, to the case of Mr. Oscar Lizcano, Mr. J. Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar, Ms. Gloria Polanco de Lozada and Ms. Consuelo González de Perdomo, to the case of Mr. Jorge Tadeo Lozano Osario, to the case of Mr. Gustavo Petro Urrego and to the case of Mr. Wilson Borja, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.⁸

Ecuador

Parliamentary immunity for opinions expressed and votes cast in parliament was a cornerstone of representative democracy. Respect for that principle was at the heart of the case of the dismissal on 7 March 2007 of 56 members of Congress in Ecuador, more than half its membership. Indeed, the report of the on-site mission sent to Ecuador in 2007 at the decision of the Governing Council had firmly concluded that they had been dismissed in breach of the Constitution of Ecuador and on account of votes they had cast in the exercise of their parliamentary mandate. The elaborate meeting held by the Committee with a high-level delegation from Ecuador in Cape Town had not changed that fundamental conclusion. Although the pursuit of justice for the 56 members of Congress had at first been successful, a new Constitutional Court in Ecuador, which had been designated under highly questionable circumstances, had set aside what was for them a favourable ruling and considered the matter closed, thereby denying them an opportunity to obtain legal redress. They could now also be subjected to criminal proceedings that were directly linked to the exercise of their parliamentary mandate, which might well impede their participation in any forthcoming elections. The Committee therefore called on the authorities to drop those charges and allow them to exercise their political rights fully.

Turning to the other, long-standing case in Ecuador concerning Mr. Hurtado and Mr. Tapia, who had been shot dead in February 1999, the Committee had been very pleased to meet in Cape Town with the son of Mr. Hurtado. He was the President of the recently re-enacted Special Inquiry Commission entrusted with elucidating the circumstances of the murder, and he had told the Committee that the Commission was enjoying all the necessary political and financial support to do its work. Indeed, the Committee was confident that under those circumstances, the Commission's sustained and critical action would ultimately lead to the arrest and trial of the remaining suspects and shed light on the motive and masterminds of the murder.

The Governing Council unanimously adopted the two draft resolutions relating to the case of Mr. Jaime Ricuarte Hurtado González and Mr. Pablo Vicente Tapia Farinango, and to the case of the 56 members of the National Congress of Ecuador, which had been submitted to it by the Committee on the Human Rights of Parliamentarians.⁹

Eritrea

The Eritrean authorities continued to remain completely silent to the IPU's plea for the release of 11 former parliamentarians. They had been in incommunicado detention since 18 September 2001 after publicly calling for democratic reforms. No one knew where they were held, or even whether they were all still alive, and they had never been brought before a

⁸ See Annexes XII to XVIII for the texts of the resolutions.

⁹ See Annexes XIX and XX for the texts of the resolutions.

judge. The African Commission on Human and Peoples' Rights had concluded that their most basic rights had been violated. The Committee wished to take the opportunity in Cape Town once again to put out a pressing appeal, especially to its African colleagues, the African Union, the African Parliamentary Union, and the Pan-African Parliament, to do their utmost to ensure that the recommendations of the African Commission were applied and that the former parliamentarians were released.

The Governing Council unanimously adopted the draft resolution relating to the case of 11 members of the Parliament of Eritrea which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹⁰

Lebanon

Four parliamentarians had been murdered in Lebanon in the previous two years. The Governing Council was already examining two of those murders, namely those of Mr. Gibran Tueni and Mr. Walid Eido. The Committee now also brought to the attention of the Governing Council the killings of Mr. Antoine Ghanem and Mr. Pierre Gemayel. What all four parliamentarians shared had been their outspokenness, plus the brutality of their murders. Clearly, those responsible had wanted to send a harsh warning to those wishing to speak out on critical issues.

The International Independent Investigation Commission examining the murder of former Prime Minister Hariri, which had been established in 2005, was also looking into those four cases. The Commission, whose work was coming to an end, had laid the groundwork for subsequent effective action by the Special Tribunal for Lebanon to identify and hold the culprits to account. The only thing outstanding was for the National Assembly to approve the establishment of the Tribunal. The Committee therefore called on the Assembly and the parliamentary authorities to do everything possible to overcome the current political crisis in Lebanon in order to make that happen.

The Governing Council unanimously adopted the draft resolution relating to the cases of Mr. Gibran Tueni, Mr. Walid Eido, Mr. Antoine Ghanem and Mr. Pierre Gemayel which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹¹

Myanmar

The military in Myanmar showed had showed its ruthlessness again during the previous autumn by severely repressing the peaceful demonstrations by monks and civilians. Five parliamentarians arrested at that time had now been sentenced to prison terms for their participation in the demonstrations. One parliamentarian had been severely ill-treated and lost his sight in one eye, an appalling criminal act that had remained totally unpunished. The Committee urged the authorities to immediately release the five parliamentarians along with their 13 colleagues who continued to languish in jail.

There was no reason to believe that the junta was serious about a transition towards democracy. In May 2008, the people of Myanmar would be asked to vote on a Constitution drafted by a National Convention that was completely controlled by the military and did not allow for a free exchange of views. It was therefore not surprising that the text that would be put to a referendum provided sweeping and overriding powers for the military. What was

¹⁰ See Annex XXI for the text of the resolution.

¹¹ See Annex XXII for the text of the resolution.

more, in the present circumstances, the referendum was bound to take place in a climate of fear, distrust and lack of total transparency, and could therefore have no credibility.

The Committee insisted that the only viable way out of the current crisis was for the military regime to engage in a genuine dialogue with Aung San Suu Kyi, all concerned parties and ethnic nationality groups. The international community could play a crucial role in that respect by bringing its pressure to bear on the authorities and by expressing, as things now stood, its rejection of the referendum process and outcome. The Committee therefore called again on Member Parliaments of the IPU, in particular China and India as neighbouring countries, to lend their full support in that respect.

The Governing Council unanimously adopted the draft resolution relating to the case of the 38 parliamentarians from Myanmar which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹²

Palestine/Israel

In early February 2008, IPU President Casini and the Secretary General had been on an official visit to Israel. They had raised with the authorities the cases of the former and incumbent members of the Palestinian Legislative Council (PLC) that were before the Governing Council. They had been told by the Minister for Foreign Affairs that a visit to Mr. Marwan Barghouti could be arranged and that there was no reason not to provide the information which had been requested for some time now in all those cases. Unfortunately, it had not been possible thus far to arrange for a visit to Mr. Barghouti, nor had the Committee received the requested information. There was nevertheless new information to report in those cases.

The first concerned Mr. Hussam Khader, a former member of the PLC. In view of the report on the proceedings for his petition for early release (CL/182/12(b)-R.2), prepared by the lawyer who had observed Mr. Khader's trial on behalf of the IPU, the Committee - and indeed the Governing Council - had considered that it fell far short of a fair trial. In 2007, Mr. Khader had become eligible for early release and he had filed a petition to that effect. The Committee had sent a barrister, Mr. Sadakat Kadri from London, to observe the proceedings of the release committee. His report was before the Governing Council. Unfortunately, Mr. Khader's petition had been dismissed at the close of a procedure which the Committee could only consider to have been arbitrary and unworthy of a State respecting the rule of law.

The Committee had also learned that 19 charges were pending against Mr. Sa'adat, which reportedly all had to do with his leadership of the Popular Front for the Liberation of Palestine, and none of them alleged direct involvement in crimes of violence. As it might be recalled, Mr. Ahmad Sa'adat had been abducted in March 2006 from a prison in Jericho and taken to Israel. The Israeli authorities had wanted him for the murder in October 2001 of the Israeli Minister of Tourism, Mr. Zeevi. A month after his abduction, however, the charge had been dropped for want of evidence. The Committee believed that such action clearly showed that his abduction and transfer to Israel had not been related to the murder charge, but rather to his political views.

The Committee had reason to believe that political views rather than any specific criminal activity on their part were also behind the arrest and continuing detention of the PLC members elected in January 2006 on the Change and Reform list. The Committee was particularly concerned at the re-arrest of one of the parliamentarians in question, Mr. Abderrahman Zaidan. Mr. Zaidan had in fact given testimony to the Committee in

¹² See Annex XXIII for the text of the resolution.

April 2007 and approximately one month later, he had been rearrested and the Committee did not know why. It also remained deeply concerned at the continuing detention of PLC Speaker Dr. Aziz Dweik, as his health was reportedly very precarious.

The Committee's concerns about due process rights in the proceedings brought against the parliamentarians in question had been borne out by a recently published report of an Israeli human rights organization. The report, entitled "Backyard proceedings", revealed the absence of such rights in the Israeli military courts in the West Bank.

In all of those cases, the Committee urged the Knesset to play its role as a guardian of human rights and to prevent and remedy human rights abuses, whether they concerned Israeli citizens or Palestinians in the hands of the Israeli authorities.

Lastly, she wished to bring to the attention of the Governing Council a new case concerning a PLC member, namely that of Ms. Mariam Saleh, former Minister for Women's Affairs. She was at present in administrative detention and the facts on file suggested that her arrest and detention were arbitrary. In that respect, in her case as well as in that of the Change and Reform parliamentarians, a military court had first ordered their release on bail, but those orders seem to be systematically overturned on appeal, leading to indefinite detention.

The Governing Council unanimously adopted the six draft resolutions relating to the case of Mr. Marwan Barghouti, to the case of Mr. Hussam Khader, to the case of Mr. Ahmad Sa'adat, to the case of the 33 parliamentarians from Palestine, to the case of Dr. Abdel Aziz Dweik and to the case of Ms. Mariam Saleh which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹³

Philippines

The Committee had carried out a mission to the Philippines one year earlier regarding the case of six opposition members accused of rebellion. It had been concerned that political considerations might have been behind that case. A few months later, in July 2007, the Supreme Court had exonerated the parliamentarians concerned of the charges and found that they had been brought for political ends. If the story were to end there it would indeed be a good news story, but that was unfortunately not so. A multiple murder case against Mr. Ocampo was still pending, and murder charges in Nueva Ecija brought against Representatives Ocampo, Maza, Casiño and against former Representative Mariano were being pursued. In addition, a new case had been brought against Teodoro Casiño for allegedly obstructing the course of justice. He had in fact asked security forces who had wanted to arrest a party colleague to show an arrest warrant. When they had been unable to do so, he had insisted on accompanying his colleague to the police station. A new case had also been brought against Representative Ocampo in March 2008, when a petition for Writ of Amparo had been filed against him and top officials of the Philippine Communist Party, in connection with the alleged abduction of a woman by communist rebels. Given the political motivation behind the previous rebellion charges brought against the parliamentarians, the Committee feared that all those proceedings were part of an ongoing effort by the Government to remove them and their political parties from the democratic political process.

The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Crispin Beltrán and five other parliamentarians from the Philippines which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹⁴

¹³ See Annexes XXIV to XXIX for the texts of the resolutions.

¹⁴ See Annex XXX for the text of the resolution.

Rwanda

Mr. Léonard Hitimana had disappeared in April 2003 and had still not been found. The authorities had initially been quite confident that he had in fact left the country and that they would be able to locate him abroad, as they had done in the case of others who had also disappeared. However, that had not happened. The Committee feared that the investigation might not be proceeding with the necessary rigour and diligence. As long as his fate had not been established, it could only reiterate its deep concern that Mr. Hitimana may have been the victim of an enforced disappearance.

The Governing Council unanimously adopted the draft resolution relating to the case of Mr. Léonard Hitimana which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹⁵

Sri Lanka

At the invitation of the Parliament of Sri Lanka, the Committee had carried out a mission to Sri Lanka from 21 to 24 February 2008. The Parliament and former colleague, Minister Mahinda Samarasinghe, were to be thanked for the organization of the mission and the efforts made to arrange the requested meetings, especially a meeting with President Rajapakse. The delegation's written report would be submitted to all parties with whom the delegation had met for any comments they might have before it was presented to the Governing Council in October 2008.

Unfortunately, the resumption of hostilities following the abrogation of the cease-fire agreement between the Government and the Liberation Tigers of Tamil Eelam (LTTE) had brought a string of new political killings. After the murder of Mr. Joseph Pararajasingham in December 2005, and of Mr. Nadaraj Raviraj in November 2006, the cases of the murder of three more members of parliament had been submitted to the Committee: Mr. Maheswaran, a member of the opposition United National Party had been shot dead on 1 January 2008 while attending a religious ceremony; Mr. Dassanayake, a member of the Government, had been killed in a roadside bomb attack on 8 January 2008; and Mr. Sivanesan, a member of the opposition Tamil National Alliance, had been killed in a Claymore mine attack on 6 March 2008. The Committee strongly condemned those murders and urged the authorities to conduct thorough and independent investigations into those crimes.

The Committee had been appalled at the kidnapping of relatives of four Tamil National Alliance parliamentarians before the vote on the budget in November and December 2007 to prevent them from voting against the budget. It stressed that such practices negated the free exercise of the mandate and were a serious threat to democracy.

The Governing Council unanimously adopted the seven draft resolutions relating to the case of the 10 parliamentarians from Sri Lanka, to the case of Mr. D.M.S.B. Dissanayake, to the case of Mr. Joseph Pararajasingham, to the case of Mr. Nadarajah Raviraj, to the case of Mr. Thiyagarajah Maheswaran, to the case of Mr. D.M. Dassanayake and to the case of Mr. Kiddinan Sivanesan which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹⁶

¹⁵ See Annex XXXI for the text of the resolution.

¹⁶ See Annexes XXXII to XXXVIII for the texts of the resolutions.

Turkey

The case was a long-standing one which now concerned five former members of the Turkish Parliament of Kurdish origin. Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak had been sentenced in December 1994 to a 15-year prison term for membership of an armed organization. The European Court of Human Rights had concluded in 2001 that the proceedings had failed to comply with fair trial guarantees. Two retrials had been held which had both also fallen short of fair trial standards, and at the second they had been sentenced to imprisonment of seven years and six months. They had been released in July 2004. Leyla Zana and her colleagues had brought the case before the Cassation Court, where it was still pending. As to Mr. Sinçar, he had been killed in September 1993 in circumstances suggesting that he had been the victim of an extrajudicial execution. An initial investigation had concluded that members of Hezbollah had been responsible for his killing, but no one had been arrested. The Parliament had now reported that a trial was under way and the Committee wished to receive more detailed information in that respect.

The Governing Council unanimously adopted the draft resolution relating to the case of Ms. Leyla Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, Mr. Selim Sadak and Mr. Mehmet Sinçar which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹⁷

Zimbabwe

When the Committee had met with the leader of the Zimbabwean delegation and another delegation member during the 116th assembly in April 2007, it had been pleased that the Parliament had debated two outrageous incidents involving Mr. Biti and Mr. Chamisa, namely the systematic beating-up by the police of participants in a prayer meeting on 11 March 2007 and the attack, one week later, badly injuring Mr. Chamisa at Harare International Airport. Unfortunately, the Parliament had done nothing to ensure that both criminal acts were duly investigated and the perpetrators brought to justice. The police claimed that the 11 March meeting had in fact been part of a defiance campaign of the opposition Movement for Democratic Change and not a prayer meeting, and that Mr. Chamisa should have made a formal complaint. The Committee affirmed that the treatment inflicted by the police on Mr. Biti, Mr. Chamisa and others was a gross violation of human rights, irrespective of whether the meeting was authorized or not, or was or was not a prayer meeting. It also believed that the assault on Mr. Chamisa, which had been extensively covered in the national and international media, should be investigated even if he had not lodged an official complaint.

As to Mr. Madzore, who had been arrested on 28 March 2007 and reportedly tortured while in police custody, he had been released in August 2007 after the charges against him had been withdrawn before plea. The Committee reminded the authorities that they had a duty to investigate allegations of torture. Indeed, their failure to do so was just what encouraged police and security officials to use torture. Mr. Job Sikhala's torture in January 2003, which had remained unpunished although he had provided detailed information, was a case in point. The Committee was bound to note with the utmost concern that in none of the cases in question had the authorities complied with their constitutional duties, nor had the Parliament effectively exercised its oversight function. On the contrary, law enforcement agencies had been allowed to continue torturing and ill-treating even members of Parliament

¹⁷ See Annex XXXIX for the text of the resolution.

with complete impunity. The Committee sincerely hoped that the newly elected Parliament would take its oversight function more seriously and use its powers to ensure that the law enforcement agencies did their duty.

The Governing Council unanimously adopted the draft resolution relating to the case of eight parliamentarians in Zimbabwe which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹⁸

New cases

Afghanistan

The first new case concerned Ms. Malalai Joya, a member of the Lower House of the Parliament of Afghanistan. Ms. Joya, a well-known human rights defender and staunch critic of the former warlords, had had her parliamentary mandate suspended, on 21 May 2007, for what the House had considered insulting remarks she had made in a television interview about the functioning of parliament and about several fellow parliamentarians. The sources affirmed that the suspension was unlawful and Ms. Joya had filed an appeal with the Supreme Court, which was pending. The Committee stressed the fundamental importance of freedom of expression and respect for procedure in cases involving such serious measures as suspension of the mandate. It was also concerned that the Parliament apparently took no action when fellow parliamentarians made insulting remarks about Ms. Joya. Furthermore, it was deeply concerned at the death threats against Ms. Joya, which were being taken extremely seriously. Ms. Joya had already been the target of several attempts on her life, and the Committee therefore urged the Parliament to afford her the necessary protection.

The Governing Council unanimously adopted the draft resolution relating to the case of Ms. Malalai Joya which had been submitted to it by the Committee on the Human Rights of Parliamentarians.¹⁹

Egypt

The Committee submitted to the Governing Council the case of Mr. Ayman Nour in Egypt. Mr. Nour, founder of the opposition Al-Ghad party, was serving a five-year prison term after having been found guilty in December 2005 of forgery and counterfeiting for the purpose of registering his party. The Committee had received conflicting information from the authorities and the sources concerning almost every aspect of the case, and in particular Mr. Nour's conditions of detention, his state of health and the medical treatment he was receiving. In accordance with its normal practice in such cases, the Committee had suggested that an on-site mission to gather first-hand information from the competent authorities and Mr. Nour himself would help to clarify those issues. The Speaker of the People's Assembly had made every effort to organize the mission, for which it thanked him, but unfortunately the Attorney General had not authorized a visit to Mr. Nour. The mission had therefore been unable to proceed. The Committee now hoped that the Attorney General would reconsider his decision.

¹⁸ See Annex XL for the text of the resolution.

¹⁹ See Annex XLI for the text of the resolution.

Mr. A.F. Sorour (Egypt) said that he wished to make a reservation to the proposed draft resolution for three reasons. First, contrary to the statement contained in the third preambular paragraph of the draft resolution, Mr. Nour had not stood in the presidential elections until after his parliamentary immunity had been lifted. Secondly, the term "conflicting information" used in the fourth preambular paragraph was inapplicable to facts that had been stated in the three final judgements delivered in the case, which were to be respected; indeed, the principle of no affront to justice was stressed in operative paragraph 3 of the draft resolution. Thirdly, it was falsely claimed in the final preambular paragraph that the Attorney-General had refused to allow the Committee to meet Mr. Nour and that that latter had been visited by an African Union representative. Moreover, it so happened that the journalist who had visited Mr. Nour was a member of his family. The draft resolution consequently challenged the rule of law and the independence of the judiciary. He therefore hoped that, as in 2005, the case would be closed.

Mr. A. El Kadiri (Morocco), expressing his support the statement made by Mr. Sorour, said that he and his fellow Moroccan parliamentarians were in constant communication with their Egyptian counterparts, as a result of which they knew that individual and collective freedoms were alive and well in Egypt. As a lawyer himself, he was also able to vouch for the independence of the Egyptian judiciary, the authority of which was to be respected.

Mrs. A. Clwyd (United Kingdom) said that she supported the recommendations of the Committee, which had made its usual thorough investigation into the circumstances of the case. She failed to understand why Egypt refused to authorize a visit to Mr. Nour in prison; in her experience, such refusals were made because there was something to hide. Despite improvements in the situation of Egyptian prisoners, their lack of access to legal and medical advice during the early stages of imprisonment was conducive to torture and ill-treatment. Prison conditions were often poor and Mr. Nour's health was also reportedly very poor. Limits were moreover imposed on the independence of the judiciary by the state of emergency. She therefore urged Egypt to reconsider its position.

Mr. A.F. Sorour (Egypt) said that, under Egyptian law, prisoners were only permitted to receive visits from family members and legal counsel. Furthermore, those laws were in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners. The Committee was welcome to visit Egypt and pursue its investigation with all sources. The application of the law by the Attorney-General as a pillar of the judiciary was, however, unassailable.

Mr. J. Laakso (Finland) suggested that the law in question might best be changed.

The Governing Council adopted the draft resolution relating to the case of Mr. Ayman Nour which had been submitted to it by the Committee on the Human Rights of Parliamentarians.²⁰

Mrs. S. Carstairs (Canada) concluded by saying that she wished to place on record the profound gratitude of the Committee to the Secretariat and all of its staff; without their hard work, it would be unable to function.

²⁰ See Annex XLII for the text of the resolution.

(c) Committee on Middle East Questions

(i) Election of four substitute members
(CL/182/12(c)-P.1 to P.4)

The President a.i. said that the Governing Council was required to elect four substitute members of the Committee to replace Mr. M. Traoré (Mali), whose term of office expired at the current session, Mr. J. Carter (New Zealand) and Mrs. A. Clwyd (United Kingdom), who had been elected titular members at the 181st session of the Governing Council; and Mr. J. Wlosowicz (Poland), who was no longer a member of parliament. The four proposed candidates were: Mrs. L. Coutinho (Portugal); Mr. R. Bret (France); Mr. M. Sahin (Turkey); and Mr. A. Ponlabout (Thailand). If she heard no objection, she would take it that the Governing Council wished to elect those candidates.

The Governing Council elected by acclamation the four proposed candidates as substitute members of the Committee on Middle East Questions.

(ii) Report of the Committee
(CL/182/12(c)-R.1)

Mr. J. Carter (New Zealand), introducing the report of the Committee on Middle East Questions (CL/182/12(c)-R.1), said that the strong comments which he had made during the first sitting of the Governing Council had in no way been intended as a personal insult and that he wished to apologize if they had conveyed any such suggestion. They had been intended only to underscore the failure of the Committee of Middle East Questions to function as it should, the result of which had been that neither Palestinians nor Israelis were any longer prepared to deal with it. The alternatives were therefore either to disband it or to improve its functioning. On the basis of discussions since held, the Committee had developed proposals aimed at achieving the latter, covering as they did the questions of attendance, geographical representation and activities. Proposed activities included an exploratory mission to the Middle East region by two Committee members, for which purpose the Governing Council was requested to approve the use of special budget funds. In short, the determination was to ensure that the Committee regained focus and functioned as a viable communication tool that could accomplish progress on the Middle East issue.

Mr. Z. Sanduka (Palestine) commended the frankness with which Mr. J. Carter had described the situation of the Committee. Palestinian members of parliament had difficulty in envisaging the Committee's dissolution, not least in view of the major role that the IPU had to play in pushing the Middle East peace process forward to its desired end. He therefore looked forward to the strengthening of the Committee as a forum for dialogue and the exchange of views on an issue of worldwide concern.

The President a.i. said that the Executive Committee had firmly endorsed the proposals submitted for its consideration by the Committee on Middle East Questions. It had also approved the proposed exploratory mission to the Middle East, subject to the submission and approval of a special funding request. If she heard no objection, she would take it that the Governing Council wished to approve the proposals submitted for its consideration by the Committee, as set forth in the report.

The Governing Council approved the proposals submitted for its consideration by the Committee on Middle East Questions and also took note of the Committee's report.

(d) Group of Facilitators for Cyprus
(CL/182/12(d)-R.1)

Mr. F. Gutzwiller (Switzerland), introducing the report of the Group of Facilitators for Cyprus (CL/182/12(d)-R.1), said that a dialogue organized by the Group had been held among Greek Cypriot and Turkish Cypriot representatives on 15 April 2008. It was the fourth time that such a meeting had taken place under IPU auspices and useful views had been exchanged in an atmosphere of calm and mutual understanding. The parties had expressed strong support for the leaders of their two communities, whose recent meeting had given them cause for genuine encouragement, and they looked forward to substantive negotiations for the reunification of Cyprus on the basis of a bizonal bicomunal federation, in accordance with relevant United Nations General Assembly resolutions. The parties also keenly looked forward to the participation of one common delegation, representing a federal republic of Cyprus, at future IPU Assemblies. The Facilitators remained ready to assist the parties through the IPU. If, as anticipated, however, a final solution to the Cyprus question were reached in the near future, there should no longer be any need for the Group to meet.

The Governing Council took note of the report of the Group of Facilitators for Cyprus.

(e) Committee to Promote Respect for International Humanitarian Law

(ii) Election of six titular and six substitute members
(CL/182/12(e)-P.6 to P.8)

The President a.i. recalled that three titular and three substitute members of the Committee to Promote Respect for International Humanitarian Law had been elected at the first sitting of the Governing Council. Since that time, three further candidatures for the remaining titular members had been received: Mr. B. Souilah (Algeria) for the African Group; Ms. W. Chandrawila (Indonesia) for the Asia-Pacific Group; and Mr. S. Gavrilov (Russian Federation) for the Eurasia Group. Three further candidatures for the remaining substitute members had also been received: Mr. J.J. Mwiimbu (Zambia) for the African Group; Ms. M. Osman Gaknoun (Sudan) for the Arab Group; and Mrs. H. Hakobian (Armenia) for the Eurasia Group. If she heard no objection, she would take it that the Council wished to elect all six candidates.

The Governing Council elected by acclamation the three candidates for titular membership and the three candidates for substitute membership of the Committee to Promote Respect for International Humanitarian Law.

(i) Report of the Committee
(CL/182/12(e)-R.2)

Mrs. B.M. Gadiant (Switzerland), introducing the report of the Committee to Promote Respect for International Humanitarian Law (CL/182/12(e)-R.2), said that, at its meeting on 16 April 2008, the newly elected Committee which she chaired had discussed and approved the text of a questionnaire designed to monitor follow-up of the resolution on missing persons adopted at the 115th IPU Assembly. The questionnaire would soon be circulated to Members and their response was encouraged. A handbook for parliamentarians had also been outlined

and it was expected that the final version, to be prepared in conjunction with the International Committee of the Red Cross, would be ready in 2009. On a related note, the Committee had also highlighted the need to promote signature and ratification of the International Convention for the Protection of all Persons from Enforced Disappearance. It had then discussed statelessness and refugee protection, as well as future projects and areas of work, in which context it had identified three themes: internally displaced persons, the humanitarian aspect of migration and cluster munitions. Lastly, the Committee had agreed in a discussion of its working methods to meet informally at the Assembly in October 2008 and to communicate by e-mail throughout the year.

The Governing Council took note of the report of the Committee to Promote Respect for International Humanitarian Law.

(f) Gender Partnership Group
(CL/182/12(f)-R.1)

Mr. R. del Picchia (France), introducing the report of the Gender Partnership Group (CL/182/12(f)-R.1), said that the Group's examination of the composition of delegations attending the 118th Assembly had produced extremely good results; the percentage of women participants was one of the highest and their absolute number was the largest on record. He gave an overview of those results, the precise details of which were annexed to the report. The gender-sensitivity of the IPU budget had also been discussed and an expert was to be hired to facilitate the development of specific indicators for gender-mainstreaming in budget allocations and expenditure. The situation of parliaments with no women members had been another subject of discussion and an area in which more action was needed to promote progress. Parliamentarians were also encouraged to disseminate the recent IPU survey on *Equality in politics: A survey of women and men in parliaments* and to undertake an assessment of gender-sensitivity within their own parliaments. Lastly, he drew attention to the poster *Women in politics: 2008*, published by the IPU and the United Nations Division for the Advancement of Women, which was recommended as another useful tool for parliaments.

The Governing Council took note of the report of the Gender Partnership Group.

Item 13 of the agenda

119th IPU ASSEMBLY (GENEVA, 13-15 OCTOBER 2008)
(CL/182/13-P.1)

The Secretary General drew attention to the list of international organizations and other bodies invited to follow the work of the 119th Assembly as observers, set forth in document CL/182/13-P.1. No additions had been made to the list and he therefore proposed that the Governing Council approve the list.

The Governing Council approved the list of international organizations and bodies invited to follow up the work of the 119th Assembly as observers.²¹

²¹ See Annex II for the list of observers.

Item 14 of the agenda

FUTURE INTER-PARLIAMENTARY MEETINGS

(a) Statutory meetings
(CL/182/14-P.1 and P.2)

The Secretary General said that, in the light of the invitation of the Parliament of Ethiopia to host the 120th Assembly and the subsequent visit by the IPU to Addis Ababa in that connection, the Executive Committee had recommended that the Governing Council approve its decision to hold the 120th Assembly in Addis Ababa from 5 to 10 April 2009.

The Governing Council approved the decision to hold the 120th Assembly in Addis Ababa from 5 to 10 April 2009.

The Secretary General, turning to the matter of the hosting of IPU Assemblies in 2010 and beyond, said that a number of invitations and expressions of interest had been received from various parliaments, including those of Venezuela and Canada, to which the Model Agreement for hosting IPU Assemblies had been transmitted. The Parliament of Canada had subsequently proposed to host the 122nd IPU Assembly in 2010 but had stated that the requirement for the delivery of visas to all attending delegates might conflict with certain provisions of its internal legislation. During an ensuing discussion of visa issues, the Executive Committee had therefore drafted a statement of policy on the question of delivery of visas for IPU meetings, which was set forth in paragraph 7 of document CL/182/14-P.2. It invited the Governing Council to adopt the policy proposal on the understanding that, as stated in paragraph 8 of the document, it would, inter alia, be implemented in good faith. Lastly, it was proposed that Article 5 of the Model Agreement be amended to state in addition that it was to be interpreted in accordance with that policy.

Mr. R.D. Vivas (Venezuela) said that his Parliament had been offering to host the IPU Assembly in 2010 for some years and had had several discussions on the subject with the IPU, including during the current Assembly. His delegation had therefore been surprised to see no mention of its invitation in the relevant document and would like to know what the situation was, since equal consideration should clearly be given to all such invitations, regardless of the final outcome. In 2010, Venezuela was due to celebrate its independence, which was therefore an opportune year for it to host the Assembly. Moreover, not only did it have the requisite facilities and capacity, but it would also welcome all participants with open arms. He hoped that a decision on the hosting of the IPU Assembly in 2010 would be made during the current discussion.

The Secretary General explained the procedure mandated by the Executive Committee for the follow-up of invitations received from parliaments to host IPU Assemblies, which included the submission of a proposal by the prospective host parliament on the basis of the Model Agreement and a subsequent visit to the respective country by the Director of the Division of Assembly Affairs and Relations with Member Parliaments. The Executive Committee would then make its recommendation to the Governing Council on the basis of the Director's report on that visit. An immediate decision concerning the hosting of the 122nd Assembly was impossible; that procedure, full details of which had been conveyed to the Venezuelan delegation, had not yet been completed in respect of any prospective host parliament.

Mr. S.M. Yahyavi (Islamic Republic of Iran) stressed the importance of decisions concerning the hosting of IPU Assemblies. While appreciating the offer of the Canadian Parliament to host the 122nd Assembly, Canadian visa policies appeared complicated and possibly ambiguous and uncertain where some Members were concerned. Any such uncertainty would run counter to both the letter and spirit of the IPU Statutes. It was essential to avoid unexpected problems and he therefore called for the deferral of any decision on the proposed policy until the next Assembly in Geneva in order to allow further time for its consideration.

Mr. M. El-Tigani (Sudan), supported by **Mr. S. Haddad (Syrian Arab Republic)**, **Mr. J. Crombet Hernandez-Baquero (Cuba)** and **Mrs. Z. Bitat Drif (Algeria)**, agreed with the suggestion to defer that decision. If adopted, the proposed policy could be exploited for political motives. IPU customs and traditions should be maintained. The United Nations Security Council, for example, was clearly dominated by States that used their right of veto in pursuit of their goals and such a policy might similarly undermine IPU's status as a forum through which all peoples were able to express themselves through their representatives.

The Secretary General said that very careful consideration had gone into the proposed policy, touching as it did on what was a fundamental issue for the IPU, as indicated by the comments of previous speakers.

Mr. G. Versnick (Belgium) said that United Nations sanctions involving a member of a delegation would be the only situation giving rise to a visa difficulty. The policy had clearly been proposed only after a great deal of thought. The organization of an IPU Assembly, including visa arrangements, required time. It would therefore be inadvisable to defer a decision on the policy.

Mr. C.S. Kim (Democratic People's Republic of Korea) said that, while he appreciated the Canadian invitation to host the 122nd Assembly, the fact was that some countries were subject to United Nations sanctions, including his own, which was also regarded by the United States Administration as part of the "axis of evil". Its parliamentarians were therefore likely to be denied a visa under Canadian regulations. IPU gatherings should not be used for political purposes; willing participants must be able to attend and any exceptions to that rule could give rise to boycotts. A country that failed to issue visas unconditionally to all such participants would be an unworthy host for an IPU Assembly.

Mr. A.Q. Pimentel Jr. (Philippines) pointed out that authoritarian governments might also seek to manipulate any policy on visas by taking deliberate action to ensure that members of their opposition were denied visas to attend an IPU Assembly. The possibility of an Assembly being hosted in a country where visas might be problematic should therefore be reconsidered.

The President a.i. said that it was apparent from the views expressed that the Governing Council was not yet ready to take a decision on the policy proposed by the Executive Committee. If she heard no objection, she would therefore take it that the Governing Council wished to defer its decision on that matter until the next IPU Assembly. That being so, parliaments which had offered to host the 122nd Assembly would be requested to provide further information in the interim.

The Governing Council agreed to defer its decision on the proposed policy on the question of delivery of visas for IPU meetings until the IPU Assembly to be held in October 2008 in Geneva.

(b) Specialized meetings and other events
(CL/182/14-P.1)

The Secretary General drew attention to the list of specialized and other meetings contained in document CL/182/14-P.1, most of which had already been approved by the Governing Council. He highlighted the 11 meetings for which approval was now being requested, all of which were to be funded from external sources.

The Governing Council approved the convening of a further 11 specialized and other meetings, as listed in document CL/182/14-P.1²².

Item 16 of the agenda

ELECTIONS TO THE EXECUTIVE COMMITTEE
(CL/182/16-P.1)

The President a.i. said that the candidature of Ms. A. Möller of Iceland had been proposed to replace her on the Executive Committee. If she heard no objection, she would take it that the Governing Council wished to agree to that proposal.

The Governing Council elected by acclamation Ms. A. Möller of Iceland as a member of the Executive Committee.

The meeting rose at 4.35 p.m.

²² See Annex I for the calendar of meetings.

FUTURE MEETINGS AND OTHER ACTIVITES

*Approved by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

Seminar on Reconciliation and Rule of Law in Central America	SAN SALVADOR (El Salvador) 6-7 May 2008
Conference organized by the African Parliamentary Union in cooperation with the IPU on "Africa and migration: Challenges, problems and solutions"	RABAT (Morocco) 22-24 May 2008
Panel discussion on parliaments, peace-building and reconciliation	NEW YORK (UN Headquarters) 6 June 2008
Panel discussion on parliaments and HIV/AIDS	NEW YORK (UN Headquarters) 10 June 2008
Stakeholder Forum on "The role of national and local stakeholders in contributing to aid quality and effectiveness"	ROME (Italy) 12-13 June 2008
Regional Seminar for English-speaking Africa on reconciliation	FREETOWN (Sierra Leone) 23-25 June 2008
251 st session of the IPU Executive Committee	GENEVA (IPU Headquarters) Late June/early July
Meeting of the Advisory Group of the IPU Committee on United Nations Affairs	GENEVA (IPU Headquarters) 10-11 July 2008
122 nd session of the Committee on the Human Rights of Parliamentarians	GENEVA (IPU Headquarters) 14-17 July 2008
Eighth Workshop of Parliamentary Scholars and Parliamentarians, sponsored by the IPU	OXFORDSHIRE (United Kingdom) 26-27 July 2008
Panel discussion and briefing during the XVII International AIDS Conference (3-8 August)	MEXICO CITY (Mexico) August 2008
Annual session of the Parliamentary Conference on the WTO	GENEVA (CICG) 11-12 September 2008
Regional Seminar on Child Protection for Central Asia and Eastern Europe	September 2008 Venue to be determined
119 th IPU Assembly and Related Meetings	GENEVA (CICG) 13-15 October 2008
IPU/ASGP/IFLA Meeting on parliamentary information	GENEVA 16 October 2008

Parliamentary Seminar on the Convention on the Elimination of All Forms of Discrimination against Women	GENEVA 16 October 2008
Seminar for members of parliamentary human rights committees	GENEVA (IPU Headquarters) 3-5 November 2008
Joint IPU-UN Parliamentary Hearing at the United Nations	NEW YORK (UN Headquarters) 20-21 November 2008
Information Seminar on the structure and functioning of the Inter-Parliamentary Union (for French-speaking participants)	GENEVA (IPU Headquarters) November 2008
Seminar for members of parliamentary gender committees	GENEVA November 2008
World e-Parliament Conference	BRUSSELS (Belgium) November 2008
Parliamentary Meeting on the occasion of the International Review Conference on Financing for Development (29 November - 2 December)	DOHA (Qatar) November/December 2008
Regional Seminar on Violence against Women	Second half of 2008
Third Conference of Women Parliamentarians and Women in Decision-making Positions in the GCC States	Second half of 2008
Meeting of the IPU Advisory Group on HIV/AIDS	Second half of 2008
Regional HIV/AIDS Training Seminar	Second half of 2008
120 th IPU Assembly and Related Meetings	ADDIS ABABA (Ethiopia) 5-10 April 2009

**LIST OF INTERNATIONAL ORGANIZATIONS AND OTHER BODIES INVITED
TO FOLLOW THE WORK OF THE 119th ASSEMBLY AS OBSERVERS**

*Approved by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

Palestine

United Nations
United Nations Conference on Trade and Development (UNCTAD)
International Labour Organization (ILO)
Food and Agriculture Organization of the United Nations (FAO)
United Nations Educational, Scientific and Cultural Organization (UNESCO)
World Health Organization (WHO)
World Bank
International Monetary Fund (IMF)
International Fund for Agricultural Development (IFAD)
Organisation for the Prohibition of Chemical Weapons (OPCW)
Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)
World Trade Organization (WTO)

African Union (AU)
Council of Europe
International Organization for Migration (IOM)
Latin American Economic System (LAES)
League of Arab States
Organization of American States (OAS)

ACP-EU Joint Parliamentary Assembly (JPA)
African Parliamentary Union (APU)
AMANI Forum - The Great Lakes Parliamentary Forum on Peace
Amazonian Parliament
Arab Inter-Parliamentary Union
ASEAN Inter-Parliamentary Assembly (AIPA)
Asian Parliamentary Assembly (APA)
Assemblée parlementaire de la Francophonie
Assembly of the Western European Union (WEU)
Association of Senates Shoora and Equivalent Councils in Africa and the Arab World (ASSECAA)
Baltic Assembly
Commonwealth Parliamentary Association (CPA)
Confederation of Parliaments of the Americas (COPA)
European Parliamentarians for Africa (AWEPA)
Indigenous Parliament of the Americas
Inter-Parliamentary Assembly of the Commonwealth of Independent States
Inter-Parliamentary Assembly of the Eurasian Economic Community (EURASEC)
Interparliamentary Assembly on Orthodoxy (IAO)
Inter-Parliamentary Commission of the Economic and Monetary Community of Central Africa (CEMAC)
Inter-Parliamentary Council against Antisemitism
Maghreb Consultative Council
Nordic Council

Pan-African Parliament (PAP)

Parliamentary Assembly of the Black Sea Economic Co-operation (PABSEC)
Parliamentary Assembly of the Organization of the Collective Security Treaty (OCST)
Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE)
Parliamentary Assembly of the Union of Belarus and the Russian Federation
Parliamentary Association for Euro-Arab Co-operation (PAEAC)
Parliamentary Union of the Organization of the Islamic Conference Member States (PUOICM)
Southern African Development Community (SADC) Parliamentary Forum
Transitional Arab Parliament (TAP)

Centrist Democrat International (CDI)

Amnesty International
Human Rights Watch
International Committee of the Red Cross (ICRC)
International Federation of Red Cross and Red Crescent Societies (IFRC)
World Federation of United Nations Associations (WFUNA)

CASE NO. HOND/02 - MIGUEL ANGEL PAVON SALAZAR - HONDURAS

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Miguel Angel Pavón Salazar of Honduras, who was murdered in January 1988, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking account of the letter of 27 March 2008 from the Secretary General of the Ministry for Foreign Affairs,

Recalling the following information on file: the judicial investigations, which established a link between the murder of Mr. Pavón and evidence he gave in October 1987 before the Inter-American Court of Human Rights in cases against the Government of Honduras concerning disappearances, after having come to a virtual standstill, were finally reopened in July 1996 by the Criminal Investigation Branch (DIC) of the Public Prosecutor's Office; they brought new evidence to light which resulted in the identification of two suspects, one of whom, Lieutenant Colonel Mario Asdrubal Quiñones Aguilar, was declared dead after Hurricane Mitch and the other, Sergeant Major Jaime Rosales, was extradited from the United States in August 2003 and stood trial; he was acquitted of the murder by a lower court, but the judgment was quashed on appeal and, on 16 June 2006, he was sentenced to 20 years' imprisonment; an application for judicial review of that judgment was brought before the Supreme Court,

Considering that, on 18 April 2007, the Supreme Court dismissed the application and ordered the competent judge to execute the sentence, and *noting* that Mr. Jaime Rosales is now serving his sentence at the San Pedro Sula national prison,

1. *Is deeply gratified* that the persistent efforts to ensure justice in this case have finally been brought to fruition;
2. *Decides* to close its examination of the case in the light of its satisfactory solution; and *requests* the Secretary General to inform the competent authorities and the source accordingly.

CASE No. MAL/15 - ANWAR IBRAHIM - MALAYSIA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Anwar Ibrahim, a member of the House of Representatives of Malaysia at the time of the submission of the complaint, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following: having been dismissed from his post as Deputy Prime Minister and Finance Minister, Mr. Anwar Ibrahim was arrested in September 1998 and prosecuted on charges of corruption and sodomy; he was found guilty on both counts and sentenced, in April 1999 and August 2000 respectively, to a total of 15 years' imprisonment; on 10 July 2002 his appeal against the corruption charges was rejected at last instance by the Federal Court; he lodged an application for a review of that decision, which the Federal Court rejected on 15 September 2004; on 2 September 2004 the Federal Court quashed the conviction in the sodomy case and ordered Mr. Ibrahim's release, as he had already served his sentence in the corruption case; under Malaysian law, as a result of the conviction in the corruption case, Mr. Ibrahim was prevented from holding office in political parties or standing for election until 14 April 2008; a pardon petition submitted in May 2005 by a group of Malaysian citizens has not been considered,

Considering that Mr. Anwar Ibrahim was able to campaign for the Kaedilan Rakyat Party (People's Justice Party), which is led by his wife Dr. Wan Azizah, in the 8 March 2008 elections, in which opposition parties took 47.8% of the ballot nationwide, and that he has now recovered his political rights,

1. *Notes with satisfaction* that Mr. Anwar Ibrahim was able to participate although not to stand in the recent election campaign and that he has now recovered his political rights, which will allow him to stand in any by-election that may be held; *consequently decides* to close his case;
2. *Reaffirms* nevertheless its belief that Mr. Ibrahim's trials and conviction were based on a presumption of guilt, and *regrets* therefore that he was not granted a royal pardon, which would have enabled him to stand in the March 2008 elections.

CASE No. MON/01 - ZORIG SANJASUUREN - MONGOLIA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Zorig Sanjasuuren, a member of the Parliament of Mongolia who was murdered in October 1998, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking account of the letter of 8 January 2008 from the Chairman of the Working Group regarding the investigation into the murder of Mr. Zorig,

Recalling the following: the investigation into the murder of Mr. Zorig Sanjasuuren in October 1998 has been unavailing so far; during the mission of the Committee on the Human Rights of Parliamentarians to Mongolia in August 2001, the investigative authorities stated that foreign expertise in criminology would help them make progress; following contacts with the parliaments of Germany, Japan and the United Kingdom - the countries which the Mongolian authorities had identified as those from which they would welcome such assistance - by letter dated 1 August 2007, the Prime Minister of Mongolia sent an official request for technical assistance with the investigation to his counterparts in Germany, Japan and the United Kingdom; and *considering* in this respect that by letters dated 5 and 19 October 2007, respectively, the Prime Minister of the United Kingdom and the Chancellor of Germany responded favourably,

Recalling also that, on 7 August 2006, the Speaker of the State Great Hural set up a working group to "acquaint itself with the investigation into Mr. Zorig's murder and to provide it with the necessary assistance and support", and *considering* that the working group has met several times with the police and intelligence teams, which briefed it on progress in the investigation,

1. *Thanks* the Chairman of the working group on the investigation into the murder of Mr. Zorig Sanjasuuren for his cooperation;
2. *Welcomes* at the positive reply from the German and United Kingdom authorities to the Mongolian authorities' request for technical assistance, and *is confident* that the necessary arrangements will be made in order for that assistance to materialize as rapidly as possible;
3. *Requests* the Secretary General to follow up with the Speaker of the Japanese House of Representatives the Japanese Government's reply to the official request for technical assistance made by the Mongolian Prime Minister;
4. *Requests* the Committee to keep itself informed of progress made in the investigation and to report back to it in due course.

CASE No. PAK/16 - MAKHDOOM JAVED HASHMI - PAKISTAN

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Makhdoom Javed Hashmi, a member of the National Assembly of Pakistan, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Noting that the Committee heard Mr. Hashmi personally at the session it held during the 118th IPU Assembly,

Recalling the following:

- Mr. Hashmi, leader of the Alliance for the Restoration of Democracy, was on 12 April 2004, at the close of a trial which had been held inside jail on three charges, sentenced to a 23-year prison term on the ground that he had circulated an allegedly forged letter written in the name of Pakistani army officers, criticizing the army and its leadership; as the sentences ran concurrently, the sentence amounted to seven years' imprisonment; he filed a criminal review petition for suspension of his sentence pending appeal; the application was dismissed at first instance and on 9 October 2006 also by a Supreme Court Bench, which concluded that the defence had been unable to show, as was required for any such petition to succeed, that the judgment was based on no evidence and that there was no ultimate possibility of Mr. Hashmi's conviction;
- However, upon a petition for review of that decision, the Supreme Court, on 3 August 2007, "reviewed and recalled" its earlier decision and suspended the conviction and sentences of Mr. Hashmi pending his appeal and ordered his release on bail, thus actually exonerating him;
- Mr. Hashmi resumed his parliamentary activity on 6 August 2007, but resigned subsequently from the National Assembly together with other opposition members of parliament in protest against the candidature of outgoing President Musharraf in the presidential elections,

Considering that Mr. Hashmi stood in the February 2008 elections and was returned to parliament for a sixth term with an overwhelming majority and that he is exercising his parliamentary mandate without any hindrance,

1. *Is gratified* that Mr. Hashmi is now again exercising his parliamentary mandate and facing no further harassment;
2. *Decides* consequently to close this case owing to its satisfactory settlement and *requests* the Secretary General to inform the authorities and the sources accordingly.

CASE No. BGL/14 - SHAH AMS KIBRIA - BANGLADESH

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Shah Ams Kibria, a member of the National Parliament of Bangladesh who was assassinated in January 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the Ministry for Foreign Affairs of Bangladesh of 7 April 2008 and the communication from the Ministry of Home Affairs of Bangladesh handed over to the Committee during the 118th IPU Assembly (April 2008),

Recalling that the investigation into the grenade attack of 27 January 2005, which took Mr. Kibria's life, was closed in April 2006 and applications made by Mr. Kibria's family for further investigation were rejected; that the investigation was reopened in March 2007 on the ground that additional and significant information had emerged suggesting the involvement of other persons who had yet to be investigated, and that in May 2007 a new investigating officer, ASP M. Rafiqul Islam of the Criminal Investigation Department (CID), took over; that a team comprising senior officials of the Rapid Action Battalion, CID, National Security Intelligence, Directorate General of Forces Intelligence and District Police was formed to coordinate the further investigation,

Considering that, according to the information provided by the Ministry for Foreign Affairs, the Deputy Commissioner and Superintendent of Police on duty at the time of the attack have since then been examined, the statement of a vital witness was recorded and three Islamist militants belonging to the Horkatul Jihad al Islami (Huji), who were already in jail in connection with other criminal proceedings and had confessed to collecting several grenades to eliminate Awami League leaders, were also shown arrested in this case; that the investigation has further brought to light the names and addresses of three more potential suspects, one of whom is believed to have thrown the grenades, but who have absconded,

Recalling that initially 10 suspects were arrested in this case, four of whom later applied to be allowed to retract their statements as they had been obtained under torture and were indeed allowed to do so by the High Court; *noting* that, according to media reports supplied by one of the sources, the 10 accused have demanded their unconditional release since no proof of their involvement in the murder has been found, and that their families have alleged that witnesses in the case received a monthly payment from the then government,

1. *Thanks* the authorities for their cooperation and the information provided;
2. *Notes with interest* the progress made in the investigation and *hopes* that the investigating authorities will soon release the findings which enabled them to implicate the Huji members, so as to ensure the utmost transparency in this high-profile case;
3. *Would appreciate* receiving information as to whether the 10 persons initially arrested in this case are still linked to it or have meanwhile been released;

4. *Stresses* that, under international human rights law, the competent authorities have the obligation to institute a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed; *wishes therefore to ascertain* whether the authorities have instituted an investigation into the alleged torture of four of the initially arrested suspects (Shahed Ali, Joynal Abedin Momen, Zamri Ali and Tajul Islam) who were allowed to retract their statements on that ground;
5. *Requests* the Secretary General to invite the competent authorities to provide this information;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. BGL/15 - SHEIKH HASINA - BANGLADESH

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Sheikh Hasina, a member of the Parliament of Bangladesh and Leader of the Opposition at the time of the submission of the communication, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the Ministry for Foreign Affairs of Bangladesh of 7 April 2008 and the communication from the Ministry of Home Affairs of Bangladesh handed over to the Committee during the 118th IPU Assembly (April 2008),

Recalling the following: Sheikh Hasina, leader of the Awami League (AL) and other AL leaders and members were targeted in a grenade attack of 21 August 2004 during a rally in the centre of Dhaka; 20 persons were arrested, of whom 17 were released on bail as they were in no way connected with the attack; in March 2007, the Caretaker Government registered the case with the Home Affairs Ministry's monitoring cell for proper investigation and quick disposal; since then, according to media reports, the line of inquiry followed previously, which was based on the confession of a petty criminal, Joj Miah, that the attack was carried out by a criminal gang, reportedly turned out to be fabricated,

Considering the following latest information provided by the Ministry for Foreign Affairs: with the arrest of Islamist militant Mufti Abdul Hannan Munshi in October 2005, the investigation took a different turn; Mufti Abdul Hannan had testified that the Horkatul Jhad (Huji) was responsible for several grenade attacks, which enabled the Criminal Investigation Department (CID) investigator to arrest 10 more suspects; further confessional statements led to the arrest of seven more suspects and the recovery of grenades, rifles and a large quantity of explosives; on the basis of the confessional statement by Mufti Hannan and three others, two persons, namely Abul Kalam Azad alias Bulbul and Jahangir, who were already in custody, were shown arrested in this case; they disclosed the conspiracy of the grenade attack of 21 August and details of how it was carried out; so far, 28 suspected conspirators and perpetrators have been identified of whom the addresses (and ties) of seven persons remain unknown so far; of the 22 remaining accused, nine are in custody, two are believed to be dead and another two are detained in India; nine are fugitives and every effort was being made to track them down and to bring back the two suspects detained in India,

Recalling further that four criminal cases, three based on charges of extortion and one on corruption, have been brought against Sheikh Hasina and that she was arrested on 17 July 2007 and is currently in detention, her bail applications having been denied; that Sheikh Hasina denies all the charges brought against her, affirming that they are politically motivated because of her opposition to and criticism of the Caretaker Government,

Considering that two of the extortion cases and the corruption case were brought under the Emergency Power Rules 2007 (EPR), which have been criticized as infringing fundamental fair trial guarantees such as the presumption of innocence, the prohibition of ex post facto criminal offences and penalties, the publicity of trial, equality of arms between the prosecution and the defence and as restricting the right of courts to grant bail; moreover, the sources fear that the cases may have been brought under those rules to prevent Sheikh Hasina from engaging in further political activity, because a conviction under the Rules would debar her from contesting elections since by virtue of Section 11, paragraph 5, any person sentenced at first instance under the Rules is debarred from contesting national or local government elections,

Considering that, on 29 July 2007, Sheikh Hasina challenged her trial under the EPR with regard to one of the extortion cases; that on 17 February 2008 the High Court issued its ruling on her application, concluding that "the case in question ... cannot proceed under the EPR" and "any action taken and/or initiated and continuation of any proceeding or trial of any case", arising out of the case in question under the EPR, "in any court of law or authority, is declared to be without lawful authority and stands quashed"; that, in its ruling the High Court *inter alia* stated that any case arising out of an offence committed before the date of promulgation of the EPR (11 January 2007) cannot be tried under the Emergency Power Rules 2007 and that rules framed under a statute being sub-legislation cannot curb or infringe a right or benefit conferred by a statute; hence the penal provisions as well as the provisions curbing the right to bail, as contained in the EPR 2007 are void and not enforceable; that, however, on 17 March 2008 the Chief Justice stripped the High Court division bench which had issued the above ruling of its writ jurisdiction,

Considering further that, according to the Asian Center for Human Rights, at the 9 December hearing in one of the extortion cases, Sheikh Hasina's co-accused Sheikh Fazlul Karim Selim reportedly stated in Court that a confession had been extracted from him by torture and under duress during interrogation and that he had been subjected to electric shocks and death threats,

Bearing in mind that Bangladesh is a party to the International Covenant on Civil and Political Rights which in its articles 14 and 15 contains fair trial guarantees, among others freedom from retroactive criminal offences and penalties,

1. *Thanks* the authorities for their cooperation and the information provided; *welcomes* the progress made in the investigation regarding the grenade attack of August 2004 and *hopes* that the investigating authorities will soon release the findings which enabled them to implicate the Huji members, so as to ensure the utmost transparency in this high-profile case; *would appreciate* being informed in this respect whether the line of investigation based on Joj Miah's confession has now been abandoned;
2. *Regrets* the absence of official information on the criminal proceedings under way against Sheikh Hasina; *reiterates its wish* to receive such information, in particular as regards the justification for the application of the EPR in this case, bearing in mind that the objective of the Emergency Power Ordinance is to restrict activities deemed "subversive to the State" or "hampering the relations of Bangladesh with foreign countries" or "disrupting peace in any part of the country or creating enmity, hatred or confrontations among different sections of society";
3. *Would appreciate* receiving a copy of the Supreme Court ruling stripping the High Court of its writ jurisdiction in cases brought under the EPR, thus denying Sheikh Hasina bail;
4. *Expresses deep concern* at the alleged testimony of one of Sheikh Hasina's co-accused that he was tortured; *recalls* that, under international human rights law, a prompt and impartial investigation shall be instituted wherever there is reasonable ground to believe that an act of torture has been committed, and *wishes to ascertain* whether the authorities have instituted any such investigation in this respect;
5. *Requests* the Secretary General to invite the competent authorities to provide the requested information and to send an observer to the trial hearings in this case; *also requests* him to seek the opinion of the United Nations Special Rapporteur on the Independence of Judges and Lawyers on the conformity of the EPR with the fair trial norms, which Bangladesh, as a party to the International Covenant on Civil and Political Rights, is bound to respect;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. BLS/05 - VICTOR GONCHAR - BELARUS

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Victor Gonchar, a member of the Thirteenth Supreme Soviet of Belarus, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following: Mr. Gonchar, an outspoken opponent to President Lukashenko, disappeared in September 1999 together with a friend, Mr. Krasovsky, and their fate has not been elucidated to date; the Belarusian authorities have consistently refuted the conclusions of the Council of Europe's Special Rapporteur on Disappearances for allegedly political reasons in Belarus, Mr. C. Pourgourides, that "steps were taken at the highest level of the State actively to cover up the true background of the disappearances, and to suspect that senior State officials may themselves be involved in these disappearances"; Mr. Pourgourides had gathered evidence, including a handwritten document from the then Police Chief, General Lapatik, whose authenticity the Belarusian authorities have acknowledged, in which he accuses Mr. V. Sheyman, then Secretary of the Belarusian Security Council, to have ordered the killing of Mr. Zakharenko, a former Minister of the Interior, and that the order was carried out by a special task force (SOBR unit) under the command of Colonel Pavlichenko with the assistance of the then Minister of the Interior, Mr. Sivakov, who provided Colonel Pavlichenko with the official execution pistol temporarily removed from SIZO-1 prison, and that the same method was used in the execution of Mr. Gonchar and Mr. Krasovsky,

Recalling more particularly that, in the resolution it adopted in October 2007, it requested the authorities to clarify certain issues in this regard²³ as it was confident that the responses would go a long way towards uncovering the truth in this case,

Noting that a member of the Belarusian delegation to the 118th Assembly (April 2008), Mr. Aleksandr Arkhipov, provided the Committee with a document in Russian said to contain the requested clarifications,

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- (i) The fact that the official execution pistol was twice signed out in the name of the then Minister of the Interior, Mr. Sivakov, and that the timing coincides with the disappearances of Mr. Gonchar, Mr. Krasovsky and Mr. Zakharenko; that Mr. Sivakov gave an explanation for only the first signing-out, namely for purposes of conducting a comparative study of death penalty execution methods in different European countries (although no European country was applying the death penalty) and provided none for the second signing-out, apart from "coincidence";
- (ii) The fact that no comparison was apparently made of the red paint found at the crime scene with that of the red car driven by the suspect named by the then Police Chief, General Lapatik, namely, Colonel Pavlichenko, and that no ballistics analysis was reportedly carried out;
- (iii) The fact that Colonel Pavlichenko was arrested on the basis of a warrant signed by the then KGB Chief, Mr. Matskevitch, and sanctioned by the then Prosecutor General Bozhelko, and remanded in custody for 30 days "taking into consideration that D.V. Pavlichenko and his criminal group may commit further crimes of particular violence", but freed shortly after his arrest;
- (iv) The fact that KGB Chief Matskevitch, Prosecutor Bozhelko and Police Chief Lapatik were dismissed from their posts or retired at or around the time when General Lapatik levelled accusations at Mr. Sheyman and Mr. Sivakov and when KGB Chief and Prosecutor General Bozhelko ordered the arrest of Colonel Pavlichenko;
- (v) The fact that Mr. Sheyman was appointed Prosecutor General and thereby placed in charge of investigating accusations made by Police Chief Lapatik against him and that he was only removed from that post in November 2004.

Recalling further that Mrs. Krasovsky has strongly refuted indications by the Belarusian authorities that economic motives may be behind Mr. Gonchar's and Mr. Krasovsky's disappearance; *considering* in this respect that in October 2007 Mrs. Krasovskaya was summoned by the current investigator in this case and agreed to see him in the presence of her counsel, Mr. Garry Pogonyailo; that the investigator refused to have Mr. Pogonyailo present, stating that he was not a member of the Belarusian Bar Association; *noting* that Mr. Pogonyailo had represented Mrs. Krasovskaya in 2002 in this case, that he is currently the legal representative of the family of disappeared journalist Mr. Zavadsky, and that there is reportedly no provision in Belarusian law requiring counsel to be a member of the Belarusian Bar Association; that Mrs. Krasovskaya has stated her readiness to appear before the investigator in the presence of her counsel, Mr. Pogonyailo,

1. *Thanks* the Belarusian delegation and in particular Mr. Arkhipov for the document provided, which, it hopes, will indeed clarify the issues in question;
2. *Decides*, pending translation of the document in question, to revert to this case at its next session (October 2008);
3. *Is nevertheless surprised* that the investigator in this case has barred Mrs. Krasovskaya's counsel, Mr. Pogonyailo, from assisting her, as is her right and as he had previously done, and *would appreciate* receiving clarification in this respect as such a decision can only delay investigative efforts and consequently seems counterproductive;
4. *Requests* the Secretary General to inform the authorities and sources accordingly and *also requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

BURUNDI

CASE No. BDI/01 - S. MFAYOKURERA
CASE No. BDI/05 - I. NDIKUMANA
CASE No. BDI/06 - G. GAHUNGU

CASE No. BDI/07 - L. NTAMUTUMBA
CASE No. BDI/29 - P. SIRAHENDA
CASE No. BDI/35 - G. GISABWAMANA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned Burundian parliamentarians, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that the parliamentarians concerned were killed between 1994 and 1999, reportedly owing to their membership and activities in the FRODEBU party, and that only in the case of Mr. Gisabwamana was the perpetrator - a military officer - identified and brought to justice, although the victim's family has received no reparation; that in 2004 one of the sources reported that Mr. Parfait Mugenzi, one of the suspects in the murder of Mr. Mfayokurera, had been arrested albeit in connection with an other murder, and that in the case of Mr. Ndikumana two suspects, Mr. Ivan Bigendanko and Mr. Désiré Banuma, had returned from Rwanda, where they had fled, and were in hiding in Burundi; in the case of Mr. Sirahenda, a member of the military of the Mabanda camp, who subsequently deserted, stated that he could one day testify to the horrendous manner of his killing at the camp,

Taking into account the letter from the President of the National Assembly of Burundi dated 9 January 2008 stating that there had been no developments since his previous letter of 4 October 2007, and that the cases would be dealt with by the Truth and Reconciliation Commission,

Recalling that the establishment of the Truth and Reconciliation Commission moved a step closer with the appointment, on 10 August 2007, by the President of the Republic of a team in charge of conducting grass-roots consultations in preparation for the Commission's work, which the National Assembly will follow closely,

Recalling that a parliamentary working group was set up by the National Assembly to continue the work of its predecessor set up in 2003, with a view to examining, together with the competent authorities, cases of human rights violations of members of the Parliament of Burundi, including how best to reactivate the investigation into the murder of the parliamentarians concerned; that the parliamentary human rights working group first met on 26 October 2006 and proposed a series of strategies, but that institutional changes and hurdles prevented it from making progress and that, on 4 October 2007, the President of the National Assembly signed an ad hoc Internal Instruction designating new members of the working group except for its Secretary, who retained his post, with a view to giving it fresh impetus and assured that "it would receive all the support it needs to fulfil its mission",

Considering nevertheless that the current political situation in Burundi has prevented the working group from operating effectively,

Bearing in mind the work of the Inter-Parliamentary Union, under its technical cooperation programme, to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country,

1. *Is disappointed* that the parliamentary human rights working group has so far been unable to make any progress since it first met in October 2006; *remains convinced* that it can be of great assistance in paving the way for the work of the National Truth and Reconciliation Commission and that, more particularly, it could contribute to elucidating the cases in question; therefore *calls on* the parliamentary authorities to make every effort, with the assistance of the Inter-Parliamentary Union as appropriate, to create an enabling climate in which the working group can fulfil its role;
2. *Is convinced* that the inclusive approach followed in Burundi to setting up the Truth and Reconciliation Commission will help ensure the institution's credibility, legitimacy and long-term impact by producing essential guidance on what mandate, methods of work and resources are needed for the Commission to be effective, and on which personalities inspire the highest esteem and confidence as prospective Commissioners; *trusts* that the grass-roots consultations have well advanced in this respect; and *would greatly appreciate* being kept informed of progress to date;
3. *Nevertheless stresses* at the same time that neither the existence of the parliamentary working group nor the future establishment of the Truth and Reconciliation Commission relieves the authorities of their duty to do their utmost to dispense justice at all times; *considers* that there are sufficient leads and evidence available in several of the cases to permit them to make substantive progress in this respect; *calls on* the authorities therefore to take the necessary steps to reactivate the investigations in these cases;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. BDI/02 - NORBERT NDIHOKUBWAYO - BURUNDI

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Norbert Ndiwokubwayo, a member of the Parliament of Burundi, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that Mr. Ndiwokubwayo was the target of two attempts on his life in 1994 and 1995, one of which left him severely injured, and that in 2004 one of the sources reported that Mr. Parfait Mugenzi, one of the alleged attackers of Mr. Ndiwokubwayo, had been arrested albeit in connection with another crime,

Taking into account the letter from the President of the National Assembly of Burundi dated 9 January 2008 stating that there had been no developments since his previous letter of 4 October 2007, and that the case would be dealt with by the Truth and Reconciliation Commission,

Recalling that the establishment of the Truth and Reconciliation Commission moved a step closer with the appointment, on 10 August 2007, by the President of the Republic of a team in charge of conducting grass-roots consultations in preparation for the Commission's work, which the National Assembly will follow closely,

Recalling that a parliamentary working group was set up by the National Assembly to continue the work of its predecessor set up in 2003, with a view to examining, together with the competent authorities, cases of human rights violations of members of the Parliament of Burundi, including how best to reactivate the investigation into the attempts on the life of Mr. Ndiwokubwayo; the parliamentary human rights working group first met on 26 October 2006 and proposed a series of strategies, but that institutional changes and hurdles prevented it from making progress and that, on 4 October 2007, the President of the National Assembly signed an ad hoc Internal Instruction designating new members of the working group except for its Secretary, who retained his post, with a view to giving it fresh impetus and assured that "it would receive all the support it needs to fulfil its mission",

Considering nevertheless that the current political situation in Burundi has prevented the working group from operating effectively,

Bearing in mind the work of the Inter-Parliamentary Union, under its technical cooperation programme, to assist the Parliament of Burundi in playing its role as an important facilitator of reconciliation in the country,

1. *Is disappointed* that the parliamentary human rights working group has so far been unable to make any progress since it first met in October 2006; *remains convinced* that it can be of great assistance in paving the way for the work of the National Truth and Reconciliation Commission and that, more particularly, it could contribute to elucidating the case in question; therefore *calls on* the parliamentary authorities to make every effort, with the assistance of the Inter-Parliamentary Union as appropriate, to create an enabling climate in which the working group can fulfil its role;

2. *Is convinced* that the inclusive approach followed in Burundi to setting up the Truth and Reconciliation Commission will help ensure the institution's credibility, legitimacy and long-term impact by producing essential guidance on what mandate, methods of work and resources are needed for the Commission to be effective, and on which personalities inspire the highest esteem and confidence as prospective Commissioners; *trusts* that the grass-roots consultations have well advanced in this respect; and *would greatly appreciate* being kept informed of progress to date;
3. *Nevertheless* stresses at the same time that neither the existence of the parliamentary working group nor the future establishment of the Truth and Reconciliation Commission relieves the authorities of their duty to do their utmost to dispense justice at all times; *considers* that there are sufficient leads available to permit them to make progress in this case; *calls on* the authorities therefore to take the necessary steps to reactivate the investigations in the case;
4. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the sources;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. CO/01 - PEDRO NEL JIMENEZ OBANDO) COLOMBIA
CASE No. CO/02 - LEONARDO POSADA PEDRAZA)
CASE No. CO/03 - OCTAVIO VARGAS CUELLAR)
CASE No. CO/04 - PEDRO LUIS VALENCIA GIRALDO)
CASE No. CO/06 - BERNARDO JARAMILLO OSSA)
CASE No. CO/08 - MANUEL CEPEDA VARGAS)

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case concerning the murders that took place between 1986 and 1994 of Mr. Pedro Nel Jiménez Obando, Mr. Leonardo Posada Pedraza, Mr. Octavio Vargas Cuéllar, Mr. Pedro Luis Valencia Giraldo, Mr. Bernardo Jaramillo Ossa and Mr. Manuel Cepeda Vargas, all of whom were members of the Parliament of Colombia and the *Unión Patriótica* (Patriotic Union) political party, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007 and that of 30 November 2007 from the Permanent Mission of Colombia to the United Nations and other international organizations in Geneva forwarding information from the Human Rights and International Humanitarian Law Department of the Ministry for Foreign Affairs,

Recalling that the Inter-American Commission on Human Rights decided in 2006 to examine the merits of the petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* and the crimes committed against its members, including the parliamentarians concerned, and had already decided in 2005 to do so with respect to the petition lodged in the case of Mr. Cepeda's assassination; *considering* that at the meeting between the IPU Secretary General and his counterpart of the Organization of American States that took place in Washington on 5 March 2008, in the presence of the Executive Secretary of the Inter-American Commission, the IPU Secretary General was told that with respect to at least one of the two petitions a pronouncement would be made before the end of 2008; *noting* also that the Committee has been asked to act as *amicus curiae* in the case of Mr. Cepeda,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Reaffirms its belief* that a pronouncement by the Inter-American Commission on Human Rights on the aforesaid two petitions is crucial to helping effectively dispense justice in the case at hand in which, so far, none of the murderers of five of the six then congressmen has actually been held to account; *is gratified* therefore that the Inter-American Commission will soon rule on the merits of the petition(s); *would greatly appreciate* being kept informed in this respect and receiving a copy of the ruling(s) as soon as they are available;
2. *Asks* the Committee to act, as requested, as *amicus curiae* in the case of Manuel Cepeda;

3. *Welcomes* the readiness of the President of the Colombian Congress to ensure a regular dialogue to help promote a satisfactory solution, including in this case; *remains convinced* that, through its oversight role, the Colombian Congress has a responsibility and an opportunity to help ensure that the State of Colombia complies with its duty to make a determined effort to hold perpetrators of human rights abuses to account and provide victims and their families with reparation and that, should the Inter-American Commission on Human Rights conclude it has failed to do so, this situation is promptly addressed and remedied; *trusts* that the Congress will be attentive to the forthcoming rulings by the Inter-American Commission and will do everything in its power to ensure their full implementation;
4. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. CO/09 - HERNAN MOTTA MOTTA - COLOMBIA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Hernán Motta Motta of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007,

Recalling that Mr. Motta, a member of the *Unión Patriótica* (Patriotic Union) party, was on a hit list drawn up by the paramilitary group led by Mr. Carlos Castaño Gil, that Mr. Motta received death threats which forced him into exile in October 1997, and that the investigations were discontinued in mid-2001 without yielding any result; that Mr. Castaño disappeared in mid-April 2004 and that his remains have since been found,

Taking into account the communication from the President of the Colombian Congress of 8 November 2007 and that of 30 November 2007 from the Permanent Mission of Colombia to the United Nations and other international organizations in Geneva forwarding information from the Human Rights and International Humanitarian Law Department of the Ministry for Foreign Affairs,

Recalling that the Inter-American Commission on Human Rights decided in 2006 to examine the merits of the petition lodged in March 1997 pertaining to the persecution of the *Unión Patriótica* and the crimes committed against its members, including Mr. Motta, and had already decided in 2005 to do so with respect to the petition lodged in the case of Mr. Cepeda's assassination; *taking into account* the communication of 20 December 2007 which the Executive Secretary of the Inter-American Commission on Human Rights addressed to the Committee Vice-President, Senator Rosario Green, summarizing the current state of the proceedings in the cases before the Commission; *considering* that at the meeting between the IPU Secretary General and his counterpart of the Organization of American States that took place in Washington on 5 March 2008, in the presence of the Executive Secretary of the Inter-American Commission, the IPU Secretary General was told that with respect to at least one of the two petitions a pronouncement would be made before the end of 2008,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity,

1. *Reaffirms its belief* that a pronouncement by the Inter-American Commission on Human Rights on the petition pertaining to the persecution of the *Unión Patriótica* will be of great significance to advance the cause of justice in the case of Mr. Motta; *is gratified* therefore that the Inter-American Commission will soon rule on the merits of the petition; *would greatly appreciate* being kept informed in this respect and receiving a copy of the ruling as soon as it is available;

2. *Welcomes* the readiness of the President of the Colombian Congress to ensure a regular dialogue to help promote a satisfactory solution, including in this case; *remains convinced* that, through its oversight role, the Colombian Congress has a responsibility and an opportunity to help ensure that the State of Colombia complies with its duty to make a determined effort to hold perpetrators of human rights abuses to account and provide victims and their families with reparation and that, should the Inter-American Commission on Human Rights conclude it has failed to do so, this situation is promptly addressed and remedied; *trusts* that the Congress will be attentive to the forthcoming ruling by the Inter-American Commission and will do everything in its power to ensure its full implementation;
3. *Requests* the Secretary General to inform the competent authorities and the source of this resolution;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. CO/121 - PIEDAD CORDOBA - COLOMBIA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Piedad Córdoba of Colombia, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007,

Recalling that Senator Córdoba was kidnapped and held by the paramilitary group *Autodefensas Unidas de Colombia* (AUC) between 21 May and 4 June 1999, and that an arrest warrant was issued on 26 June 2002 for Mr. Iván Roberto Duque Gaviria, alias Ernesto Báez, who is one of the representatives of the paramilitary groups in the negotiations with the authorities and is held in the high-security prison of Itagüí; he was heard on 12 June 2006 as part the preliminary proceedings in this case; on 13 July 2006 the Attorney General confirmed the detention order served on him,

Recalling that an attempt was made on Ms. Córdoba's life in January 2003 and that the three persons arrested in that connection were all acquitted on 5 March 2005,

Considering that Ms. Córdoba regularly receives threats in connection with her vocal criticism of the Colombian Government and outspoken denunciation of human rights violations in Colombia, and enjoys a security detail,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Remains deeply concerned* that, five years after the attempt on Senator Córdoba's life, none of the culprits has been brought to justice;
2. *Stresses* that ultimately the only effective protection of Senator Córdoba's physical integrity combines an appropriate security detail with resolute and effective action to identify and bring to trial the culprits of the attempt on her life and the threats against her; *is therefore deeply concerned* that no information is on file that any such action has recently been taken;
3. *Calls again on* the authorities, obliged as they are to make a determined effort to hold perpetrators of human rights abuses to account, to pursue this matter with the utmost urgency and diligence; *reaffirms* in this respect that, through its oversight role, the Colombian Congress has a responsibility and is indeed provided with an opportunity to help ensure that such an effort is made at all times; *appreciates* therefore the express readiness of the President of the Colombian Congress to ensure a regular dialogue to help promote a satisfactory settlement of the cases of current and former Colombian members of Congress; and *would greatly appreciate* receiving information on any action being taken by Congress to help further the cause of justice in the case of Senator Córdoba;
4. *Trusts* that the judicial proceedings against the presumed culprit in detention in the kidnapping of Senator Córdoba have advanced well; *would appreciate* confirmation thereof;

5. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. CO/122 - OSCAR LIZCANO) COLOMBIA
CASE No. CO/132 - JORGE EDUARDO GECHEN TURBAY)
CASE No. CO/133 - LUIS ELADIO PEREZ BONILLA)
CASE No. CO/134 - ORLANDO BELTRAN CUELLAR)
CASE No. CO/135 - GLORIA POLANCO DE LOZADA)
CASE No. CO/136 - CONSUELO GONZALEZ DE PERDOMO)

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Oscar Lizcano, Mr. Jorge Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar, Ms. Gloria Polanco de Lozada and Ms. Consuelo González de Perdomo, all former members of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communications from the President of the Colombian Congress of 2 and 24 January 2008 and 8 November 2007 that provide, inter alia, details of the work of the parliamentary Ad Hoc Committee on Peace and a Humanitarian Agreement; *taking into account* also the letter dated 20 December 2007 from the Adviser to the High Commissioner for Peace on the Government's efforts to promote a humanitarian agreement,

Recalling that the six former parliamentarians were kidnapped by the Revolutionary Armed Forces of Colombia (FARC) between 5 August 2000 and 23 February 2002,

Considering that, while Mr. Oscar Lizcano remains in FARC hands, former Congress member Ms. Consuelo González de Perdomo, along with Ms. Clara Rojas, former assistant of Ms. Ingrid Betancourt, a candidate in the 2002 Colombian presidential elections, were both released by FARC on 10 January 2008, while Mr. Jorge Eduardo Gechen Turbay, Mr. Luis Eladio Pérez Bonilla, Mr. Orlando Beltrán Cuéllar and Ms. Gloria Polanco de Lozada were released on 26 February 2008, following extensive mediation by the international community and regional allies, in particular Venezuelan President Hugo Chávez, and Colombian Senator Piedad Córdoba,

Considering that in early April 2008 Senator Córdoba circulated a video in which Mr. Lizcano appears seriously weakened and in which he calls on Colombian President Uribe to change his "unyielding position with respect to the conflict with FARC" and on "Venezuelan President Chávez to do his utmost to get us out of the jungle"; some 700 civilians along with close on 50 police and military officers remain in FARC hands; in November 2007, a letter from former presidential candidate Ms. Ingrid Betancourt, who is held by FARC, was publicized in which she highlighted her desperation and precarious health,

Recalling that, in her March 2007 report on the human rights situation in Colombia (A/HRC/4/48), the United Nations High Commissioner for Human Rights calls on the Government, the illegal armed groups and civil society to give priority to progress in "dialogues and negotiations between the Government and the illegal armed groups, in order to overcome the internal armed conflict and achieve lasting peace", while urging "the illegal armed groups to free their hostages immediately and unconditionally",

1. *Is relieved* at the release of five of the hostages, after years of agonizing uncertainty for them and their families;
2. *Remains deeply concerned* at Mr. Lizcano's continued captivity and seriously impaired health; *considers* that his suffering and that of other hostages underscore the need for their urgent release;

3. *Urges once more* the Government of Colombia and FARC, with the assistance of regional partners and the international community, to advance towards the rapid conclusion of a humanitarian agreement as a first step towards resolving the internal armed conflict and reaching lasting peace;
4. *Takes note with satisfaction* of the extensive activities undertaken by the parliamentary Ad Hoc Committee on Peace and a Humanitarian Agreement; *appreciates* the personal commitment to these topics of the President of the Colombian Congress, and her interest in cooperating with the IPU to organize a meeting in support of a humanitarian agreement; *requests* the Secretary General to hold consultations with the parliamentary authorities and other competent parties to further explore the form and timing of such an event;
5. *Recalls* that taking hostage persons who play no active part in hostilities is explicitly prohibited under international humanitarian law, and *calls on* FARC to release its civilian hostages immediately and unconditionally and to refrain from the unlawful practice of kidnapping;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. CO/130 - JORGE TADEO LOZANO OSORIO - COLOMBIA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jorge Tadeo Lozano Osorio, a former member of the Colombian Congress, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007,

Recalling that Mr. Lozano was convicted and given a heavy prison sentence following fundamentally flawed proceedings without being afforded the possibility of challenging them on appeal and is currently subjected to allegedly excessive parole conditions, that his personal safety and that of his family are at constant risk because of his criticism of those in power in Colombia, and that his retirement pension has allegedly been significantly and unlawfully reduced,

Recalling also that several attempts have reportedly been made to silence Mr. Lozano and make him cease his activities, the latest instance being that, despite the expiry of the 10-year period following his arrest and detention in February 1998 during which he has been prohibited from exercising his political rights and any public functions, including his profession as a lawyer, the prohibition has yet to be lifted; similarly, according to the source, in another attempt to harass Mr. Lozano the authorities issued two orders for the provisional suspension of his retirement pension, one of which has already been implemented, in breach of the principle of established rights, and has as a result significantly affected his right to social security and other entitlements,

Recalling that in 2001 Mr. Lozano brought his case regarding the flawed judicial proceedings before the Inter-American Commission on Human Rights and that, despite assurances that the case would be re-examined after it was first considered inadmissible, no information to this effect has been forthcoming to date; *considering* that at the meeting between the IPU Secretary General and his counterpart of the Organization of American States that took place in Washington on 5 March 2008, in the presence of the Executive Secretary of the Inter-American Commission, the Secretary General was told that Mr. Lozano's case would be given urgent attention and that, in accordance with its procedure, the Commission would decide within two months whether or not to ask the Colombian State to provide its observations on the admissibility of the case; and if it decided to do so, the Commission would then reach a conclusion on the admissibility of Mr. Lozano's petition,

1. *Remains convinced* that full and swift consideration of Mr. Lozano's case by the Inter-American Commission is crucial to helping redress the injustice which it believes he has suffered, particularly since he apparently continues to bear its consequences, and to increasing the likelihood of his being afforded appropriate redress by the Colombian authorities;
2. *Is therefore gratified* that the Inter-American Commission is finally taking action on his petition; and *anxiously awaits* its decision which it hopes, in the light of precedents, will be positive;

3. *Is deeply concerned* at the continuous serious allegations of harassment of Mr. Lozano; *requests* the Colombian Congress to raise these matters with the competent Colombian authorities as they concern one of its former members, in particular as regards the unlawful continuation of the deprivation of his political rights and his debarment from public office;
4. *Requests* the Secretary General to inform the Colombian Congress, the Inter-American Commission and the source accordingly;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. CO/138 - GUSTAVO PETRO URREGO - COLOMBIA

**Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)**

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Gustavo Petro Urrego, a member of the Colombian House of Representatives, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the communication from the President of the Colombian Congress of 8 November 2007; *taking into account* also the information provided at the hearing by members of the Colombian delegation to the 118th IPU Assembly,

Recalling that Mr. Petro has repeatedly received death threats from paramilitary groups over a long period and that, with respect to one such threat, the Commander of the *Bloque Tolima* of the *Autodefensas Unidas de Colombia* (AUC), a paramilitary group disbanded on 22 October 2005, was identified as a suspect and heard in court on 22 January and 12 February 2007; the investigation has been at the preliminary stage since 2004 and the prosecuting authorities have requested further evidence-taking,

Recalling that Mr. Petro has been prominent in denouncing a web of links between paramilitary groups and members of the Colombian Congress, which has created a scandal shaking the country's political establishment, and that as a result the threats against his life have reached new, alarming levels; he is at present granted an extensive security detail,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Stresses* that ultimately the only effective protection of Senator Petro's physical integrity combines an appropriate security detail with resolute and effective action to identify and bring to trial the culprits of the attempt on his life and the threats against him; *is therefore deeply concerned* that no information is on file that any such action is being taken with respect to the latest threats;
2. *Calls again on* the authorities, as a matter of urgency, to do everything in their power to hold to account the perpetrators of these threats which, given the nature of Mr. Petro's revelations that they come in response to, have to be taken very seriously; *would appreciate* information on any steps taken in this regard;
3. *Trusts* that judicial proceedings against the currently detained former paramilitary commander suspected of being behind death threats made against Mr. Petro before 2004 are well under way; *would appreciate* confirmation thereof;
4. *Reaffirms* that, through its oversight role, the Colombian Congress has a responsibility and is indeed given the opportunity to help ensure that the competent authorities are resolutely seeking to guarantee due administration of justice in Senator Petro's case; *appreciates* therefore the express readiness of the President of the Colombian Congress to ensure regular dialogue to help promote a satisfactory solution, including in Senator Petro's case; and *would greatly appreciate* information on any action that is being taken by Congress in this regard;
5. *Requests* the Secretary General to inform the authorities and the source accordingly;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. CO/140 - WILSON BORJA - COLOMBIA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Wilson Borja, an incumbent member of the Colombian Congress, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Taking into account the information provided at the hearing by members of the Colombian delegation to the 118th IPU Assembly,

Considering that Mr. Wilson Borja, an outspoken opposition member of the Congress, suffered an attempt on his life on 15 December 2000 which came after he had received repeated death threats; five persons have been sentenced and, on 26 August 2005, an indictment was brought against five other accused persons who had not yet been apprehended, including Mr. Carlos Castaño Gil, who disappeared in mid-April 2004 and whose remains have since been found and identified,

Considering that Mr. Borja has since continued to receive death threats and was provided with a security detail; although there were reportedly some concerns about its effectiveness, they appear to have been subsequently addressed; however, in early April 2008 the authorities, after a difference of opinion with Mr. Borja about the extent of his security arrangement, they decided to withdraw it altogether; since then, Mr. Borja has opted to stay at home,

Considering that, in her February 2008 report on the human rights situation in Colombia (A/HRC/7/39), the United Nations High Commissioner for Human Rights stated that "structural problems persist in the administration of justice" and that there was "a need for further progress in the fight against impunity",

1. *Is alarmed* that Mr. Borja's security detail is no longer in place, which leaves him totally defenceless in the face of the persistent threats against him and puts his life at great risk; *insists* in this respect that the attack on his life in 2000 makes it abundantly clear that those wishing to eliminate him physically do not hesitate to act on their threats, which therefore have to be taken extremely seriously;
2. *Urges therefore* the authorities to provide him, as a matter of urgency, with the full security detail he requires, particularly since he is otherwise effectively prevented from exercising the mandate to which he was elected; *would greatly appreciate* confirmation in this respect;
3. *Trusts* that at the same time the authorities, in line with their obligations, are doing everything possible to identify and bring to trial the perpetrators of the threats; *would greatly appreciate* information on this point;

4. *Reaffirms* that the Colombian Congress has a special responsibility to ensure that its members can exercise their parliamentary mandate free of any threat or intimidation; *trusts* that the parliamentary authorities are taking appropriate action to help ensure that the required protection for Mr. Borja is put in place without delay and that due justice is done in his case; and *would greatly appreciate* confirmation of this;
5. *Wishes* to ascertain what progress has been made to locate and prosecute the five presumed perpetrators of the attempt on Mr. Borja's life who remain at large;
6. *Requests* the Secretary General to seek the requested information and to contact the competent authorities and the source accordingly;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. EC/02 - JAIME RICAURTE HURTADO GONZALEZ
CASE No. EC/03 - PABLO VICENTE TAPIA FARINANGO

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***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Jaime Ricaurte Hurtado González and Mr. Pablo Vicente Tapia Farinango, a member and substitute member, respectively, of the National Congress of Ecuador who were murdered on 17 February 1999, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking account of the information provided by the President of the Special Commission of Inquiry (CEI) at the hearing held on the occasion of the 118th IPU Assembly (April 2008),

Recalling the following:

- Mr. Hurtado was a vocal opponent of the then ruling authorities in Ecuador and that, according to the source, his investigations into corruption cases led him to unravel a web of drug trafficking featuring high-profile figures from both banking and political circles;
- Immediately after the murder, the Special Commission of Inquiry (CEI) was set up and entrusted with helping elucidate the crime; from the outset, the CEI has sharply criticized the conduct of the investigation authorities, in particular the line of inquiry followed by the police to explain the motive for the killing, and the judicial proceedings; the CEI, after being wound up by the previous authorities, was reinstated on 19 June 2007;
- On 20 December 2005, Mr. Freddy Contreras Luna was sentenced to 16 years in prison for his involvement in the triple murder, which he started serving on 20 January 2006; an appeal against the ruling is pending before the Supreme Court;
- On 3 February 2007 one of the co-accused, Mr. Ponce, was arrested in the United States of America and subsequently extradited to Ecuador to stand trial;
- Proceedings are suspended against four co-accused who remain at large,

Considering that Mr. Ponce was recently sentenced to 16 years in prison for his participation in the crime, against which he has filed an appeal which is pending,

Considering that the reinstated CEI has been able actively to pursue its work with the full cooperation of the authorities,

1. *Is gratified* that the Commission of Inquiry is fully operational again and enjoying the necessary political and financial support; *is confident* that in these circumstances its sustained and critical action will ultimately lead to the arrest and trial of the four remaining suspects and fully elucidate the murder, including its motive and the identity of the mastermind(s); and *wishes* to be kept regularly informed of further progress made in this respect;
2. *Would appreciate* receiving a copy of the judgment against Mr. Ponce and being kept informed of his appeal proceedings; *trusts* that the proceedings concerning Mr. Contreras have meanwhile significantly advanced towards their completion, and *wishes* to receive confirmation in this respect;
3. *Requests* the Secretary General to inform the competent authorities, the CEI and the source of the resolution and to seek the requested information from them;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

ECUADOR

CASE No. EC/11 - F. AGUIRRE CORDERO	CASE No. EC/39 - J. E. ITURRALDE MAYA
CASE No. EC/12 - A. ALVAREZ MORENO	CASE No. EC/40 - F. J. JALIL SALMON
CASE No. EC/13 - F. ALARCON SAENZ	CASE No. EC/42 - C. LARREATEGUI NARDI
CASE No. EC/14 - N. MACIAS	CASE No. EC/43 - I. G. MARCILLO ZABALA
CASE No. EC/15 - R. AUQUILLA ORTEGA	CASE No. EC/44 - M. MARQUEZ GUTIERREZ
CASE No. EC/16 - A. E. AZUERO RODAS	CASE No. EC/45 - C. R. MAYA MONTESDEOCA
CASE No. EC/17 - E. A. BAUTISTA QUIJE	CASE No. EC/46 - J. I. MEJIA ORBE
CASE No. EC/18 - R. V. BORJA JONES	CASE No. EC/47 - E. MONTAÑO CORTEZ
CASE No. EC/19 - S. G. BORJA BONILLA	CASE No. EC/48 - L. U. MORALES SOLIS
CASE No. EC/20 - F. G. BRAVO BRAVO	CASE No. EC/49 - T. A. MOSCOL CONTRERAS
CASE No. EC/21 - M. L. BURNEO ALVAREZ	CASE No. EC/50 - B. L. NICOLALDE CORDERO
CASE No. EC/22 - J. C. CARMIGNIANI GARCES	CASE No. EC/51 - A. L. NOBOA YCAZA
CASE No. EC/23 - J. H. CARRASCAL CHIQUITO	CASE No. EC/52 - X. E. NUÑEZ PAZMIÑO
CASE No. EC/24 - L. O. CEDEÑO ROSADO	CASE No. EC/53 - C. G. OBACO DIAZ
CASE No. EC/25 - F. A. COBO MONTALVO	CASE No. EC/54 - L. A. PACHALA POMA
CASE No. EC/26 - E. G. CHAVEZ VARGAS	CASE No. EC/55 - J. F. PEREZ INTRIAGO
CASE No. EC/27 - L. A. CHICA ARTEAGA	CASE No. EC/56 - M. X. PONCE CARTWRIGHT
CASE No. EC/28 - P. DEL CIOPPO ARANGUNDI	CASE No. EC/57 - H. L. ROMERO CORONEL
CASE No. EC/29 - M. S. DIAB AGUILAR	CASE No. EC/58 - W. F. ROMO CARPIO
CASE No. EC/30 - J. DURAN MACKLIFF	CASE No. EC/59 - G. M. SALTOS ESPINOZA
CASE No. EC/31 - E. B. ESPIN CARDENAS	CASE No. EC/60 - G. R. SALTOS FUENTES
CASE No. EC/32 - L. E. FERNANDEZ CEVALLOS	CASE No. EC/61 - M. L. SANCHEZ CIFUENTES
CASE No. EC/33 - P. FIERRO OVIEDO	CASE No. EC/62 - S. E. SANCHEZ CAMPOS
CASE No. EC/34 - O. P. FLORES MANZANO	CASE No. EC/63 - A. SERRANO VALLADARES
CASE No. EC/35 - A. G. GALLARDO ZAVALA	CASE No. EC/64 - L. F. TAPIA LONBEIDA
CASE No. EC/36 - M. V. GRANIZO CASCO	CASE No. EC/65 - L. F. TORRES TORRES
CASE No. EC/37 - A. X. HARB VITERI	CASE No. EC/66 - W. VALLEJO GARAY
CASE No. EC/38 - O. IBARRA SARMIENTO	CASE No. EC/67 - N. VITERI JIMENEZ

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, members of the Parliament of Ecuador, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the information provided at the hearing held on the occasion of the 118th IPU Assembly with a delegation from Ecuador comprising of the President of the Constitutional Court, the Vice-President of the Supreme Electoral Court, the Deputy Prosecutor General, and two members of the Constituent Assembly; *taking into account also* the information provided by the source at the hearing held during that Assembly,

Recalling the following information on file:

- On 7 March 2007, the Supreme Electoral Court (TSE) effectively dismissed 56 Congress members and debarred them for one year from participating in political life, declaring that they had interfered with the electoral process by voting in favour of the two National Congress resolutions calling for the dismissal and replacement of the TSE President, for lodging with the Constitutional Court an application for annulment of the resolution by the TSE to call for the referendum on the establishment of a Constituent Assembly as being unconstitutional, and for proposing impeachment proceedings against the four TSE members who had approved the resolution for a referendum;

- On 23 April 2007, the Constitutional Court ruled that the revocation of the mandates of the Congress members was unlawful, after which the TSE filed a request for clarification and amplification; on 24 April 2007, the National Congress, which had meanwhile replaced most of the dismissed parliamentarians with their substitutes, decided to dismiss the judges of the Constitutional Court, on the grounds that their mandate had expired in January 2007;
- On 25 July 2007, the newly-designated Constitutional Court rendered ineffective the decision of 23 April 2007 of its predecessor, finding constitutional breaches and procedural flaws, this new decision being unappealable and hence final;
- On various occasions, several of the 56 members of Congress in question have been attacked by demonstrators,

Considering that, according to the authorities at the hearing held at the 118th IPU Assembly, the parliamentarians had been dismissed because they wanted to disrupt an electoral process which had received wide support in Ecuador, that their action took place at the time of a declared "electoral period" during which electoral law took precedence, that there was a sound basis in the Law on Elections to dismiss them, and that they had enjoyed due process throughout the procedure,

Considering that, according to the source at the hearing held at the 118th IPU Assembly, the dismissal of the parliamentarians had been for purely political reasons and lacked any legal basis, and that, as a result of the one-year suspension of their political rights, they were deprived of their voting card, which in turn led to a significant number of other restrictions in the public and private spheres,

Recalling that a request for the pre-trial detention of both 24 of the dismissed deputies for compromising State security and for overriding their functions in having set up an unlawful parallel congress, and of the other culprits, accomplices and accessories after the fact, though not acted upon at that time, could be reactivated by the authorities at any time; *considering* that, on 10 January 2008, the Pichincha District Attorney General did indeed request the competent Judge in the case to authorize the institution of criminal proceedings,

Recalling the repeated recommendation of the United Nations Special Rapporteur on the independence of judges and lawyers of the United Nations Commission for Human Rights (now known as the Human Rights Council) to the authorities of Ecuador to depoliticize the judicial system and ensure an administration of justice based on the principles of independence and competence,

Considering that on 12 October 2007, the dismissed parliamentarians presented a formal petition regarding their situation to the Inter-American Commission on Human Rights,

Considering that on 29 November 2007 the Constituent Assembly of Ecuador, which had been elected on 30 September 2007, decided to suspend the National Congress until such time as the results were announced of a referendum on a revised constitution that the Assembly was entrusted to present to the Ecuadorian people in due course; the 56 dismissed parliamentarians could not participate in the elections for the Constituent Assembly as the suspension of their political rights was still in force at the time; several members of the Constituent Assembly have reportedly advocated their exclusion from any further elections,

1. *Thanks* the authorities of Ecuador for the extensive information they provided and for their spirit of cooperation;
2. *Nevertheless considers* that the information has not dispelled its fundamental concerns in this case regarding a breach of parliamentary immunity and the unlawful revocation of the parliamentary mandate of more than half of the members of the Ecuadorian Congress;
3. *Reaffirms* in this respect that parliamentary immunity in relation to opinions expressed and votes cast in parliament is a cornerstone of representative democracy and is jealously guarded in parliaments the world over, thereby shielding members of parliaments from any

judicial or other proceedings for any vote cast or opinion expressed in the exercise of their parliamentary mandate;

4. *Stresses* that the revocation of a parliamentary mandate is a serious measure which irrevocably deprives the affected member of parliament of the possibility of carrying out the mandate entrusted to them, and that it must therefore be taken in strict accordance with the law;
5. *Insists* in this respect that:
 - (i) The 56 Ecuadorian parliamentarians were dismissed in breach of their parliamentary immunity, as enshrined in the Constitution of Ecuador, on account of decisions they took in the exercise of their mandate and set out in the Constitutional Court's ruling of 23 April 2007;
 - (ii) The fact that the parliamentarians took these decisions when Ecuador was in an election period does not dispense the electoral authority from respecting this guarantee;
 - (iii) The legal norms, in particular the Constitution, clearly stipulate the situations, reasons and processes, which may lead to loss of the parliamentary mandate in Ecuador and do not empower the electoral authority to dismiss national deputies for electoral offences;
6. *Is deeply concerned* that the Constitutional Court, as currently composed, annulled the decision of its predecessor, which had reinstated the 56 deputies, precisely on these grounds; *fails to understand* how the Constitutional Court could adopt a completely new and different ruling in response to a request that it further clarify and amplify its original decision; *deeply regrets* that the Constitutional Court subsequently considered the matter closed, thus not only denying the 56 deputies their right to obtain a valid judgment on the merits of their case, but also avoiding clarification of a question of great public interest;
7. *Fears* that the dismissal of the Constitutional Court that ruled to reinstate the deputies and the designation of a new Court that subsequently set aside that ruling may have been largely prompted not by legal but by political considerations; and *points* in this respect to the following:
 - (i) the members of the Constitutional Court which reinstated the parliamentarians were dismissed, not in January 2007 when their mandate was said to have expired, but on the day after they ruled to reinstate the 56 deputies;
 - (ii) the decision to dismiss the members of the Constitutional Court was taken by deputies who included those who had previously been substitutes, and that in taking the decision they were both judge and jury by virtue of their interest in avoiding the return of their predecessors;
8. *Considers* that the events in this case are discordant with the recommendations made by the United Nations Special Rapporteur on the independence of judges and lawyers; *calls on* the authorities to step up their efforts to strengthen the independence of the judiciary and thus prevent any recurrence of similar situations; *would greatly appreciate* being kept informed of such work as the Constituent Assembly may be conducting in this respect;
9. *Is deeply concerned* that the prosecuting authorities have reactivated the charges directly linked to the parliamentary activities of 24 of the dismissed deputies, which if pursued may well impede their voting and standing in any forthcoming elections; *calls on* the authorities to drop the charges forthwith and to ensure that the persons concerned, as they have been entitled since 8 March 2008, are able fully to exercise their political rights;
10. *Requests* the Secretary General to convey this resolution to the competent authorities and to the source;
11. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

ERITREA

CASE No. ERI/01 - OGBE ABRAHA	CASE No. ERI/07 - GERMANO NATI
CASE No. ERI/02 - ASTER FISSEHATSION	CASE No. ERI/08 - ESTIFANOS SEYOUM
CASE No. ERI/03 - BERHANE GEBREGZIABEHER	CASE No. ERI/09 - MAHMOUD AHMED SHERIFFO
CASE No. ERI/04 - BERAKI GEBRESELASSIE	CASE No. ERI/10 - PETROS SOLOMON
CASE No. ERI/05 - HAMAD HAMID HAMAD	CASE No. ERI/11 - HAILE WOLDETENSAE
CASE No. ERI/06 - SALEH KEKIYA	

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, former members of the Parliament of Eritrea, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following:

- The parliamentarians concerned were arrested on 18 September 2001 after publishing an open letter criticizing President Issayas Afwerki's policies and have been in incommunicado detention since then under accusations of conspiracy and attempting to overthrow the legal government; however, they have not been formally charged and brought to trial; in February 2002 the National Assembly revoked their mandate;
- In November 2003, upon examination of a complaint concerning their situation, the African Commission on Human and Peoples' Rights found that the State of Eritrea had violated Articles 2, 6, 7(1) and 9(2) of the African Charter on Human and Peoples' Rights, which address the right to liberty and security of person, the right to a fair trial and the right to freedom of expression, and it urged the State of Eritrea to order the immediate release of the former parliamentarians concerned and to provide them with compensation,

Noting that since September 2004, when the Ambassador of Eritrea to the European Union, Belgium, Luxemburg, Portugal and Spain reported that he did not know whether "anyone from outside or a member of their family has recently visited them and observed their conditions of detention", no further reply to any request for information has been received from the Eritrean authorities, and that no other source has been able to provide any information on the current situation of the former parliamentarians concerned,

1. *Condemns* the prolonged and inhumane incommunicado detention of the former parliamentarians concerned in flagrant breach of their fundamental rights under the Constitution of Eritrea and under the African Charter on Human and Peoples' Rights;
2. *Affirms* that this situation is unacceptable and cannot be justified by any argument whatsoever;
3. *Urges* once again the Eritrean authorities to put an end to this shocking situation by releasing the former parliamentarians concerned forthwith;
4. *Considers* that, in the year in which it celebrates the 60th anniversary of the Universal Declaration of Human Rights, the international community and, in particular, the global parliamentary community cannot remain idle in the face of such violation, and *requests* the Secretary General to make every effort to draw international attention to this case; *invites* in particular those parliaments of the region which have strong ties with Eritrea to intervene with a view to securing the release of the persons concerned;

5. *Appeals* once again to the authorities of the African Union, the African Parliamentary Union and the Pan-African Parliament to do everything in their power to reach this objective and thus to ensure Eritrea's compliance with the decision of the African Commission on Human and Peoples' Rights in this case, and so prevent its authority from being undermined by the attitude of a Member State to the African Charter on Human and Peoples' Rights;
6. *Maintains its wish* to conduct an on-site visit since it remains convinced that such a visit would contribute to a settlement of this case;
7. *Requests* the Secretary General to take any such other action as may be conducive to the release of the persons concerned;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. LEB/01 - GIBRAN TUENI) LEBANON
CASE No. LEB/02 - WALID EIDO)
CASE No. LEB/03 - ANTOINE GHANEM)
CASE No. LEB/04 - PIERRE GEMAYEL)

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the cases of Mr. Gibran Tueni and Mr. Walid Eido, members of the National Assembly of Lebanon as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolutions adopted at its 181st session (October 2007),

Having before it the cases of Mr. Antoine Ghanem and Mr. Pierre Gemayel, members of the National Assembly of Lebanon, which have been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Considering the following:

- Mr. Tueni, Mr. Eido, Mr. Ghanem and Mr. Gemayel, were all outspoken critics of the Syrian Arab Republic and its allies in Lebanon and all, between 2005 and 2007, were killed in car-bomb attacks except for Mr. Gemayel, who was gunned down;
- After Mr. Tueni's assassination, the National Assembly associated itself with the court action taken by the public prosecutor,

Recalling that, in its resolution 1644 (2005), the United Nations Security Council authorized the International Independent Investigation Commission entrusted with investigating former Lebanese Prime Minister Hariri's murder to devote part of its capacity to the task of giving technical assistance to the Lebanese authorities with regard to several cases of attempted assassination, assassination and bombing carried out in Lebanon since 1 October 2004, including the murders of the four members of the National Assembly,

Noting that, in its ninth report of 28 November 2007, the Commission stated that investigations had confirmed its hypothesis of operational links between some of the possible perpetrators of these various crimes, that it had identified additional persons of interest to the investigation, and that it had held regular meetings with each of the investigating judges in Lebanon in charge of the cases and the Prosecutor General to discuss investigative leads, evaluate the status of each investigation and identify areas where it could provide additional technical assistance; the Commission's tenth report was issued on 27 March 2008 and presents a continuation of the line of inquiry followed in the previous reports; it is scheduled to be discussed by the United Nations Security Council in April 2008,

Considering that the International Independent Investigation Commission, whose mandate will end in June 2008, has started preparing for the transition to the Office of the Prosecutor of the Special Tribunal for Lebanon which would have concurrent jurisdiction with the national courts, and would try those alleged to be responsible for Mr. Hariri's assassination and for any other attacks since October 2004 which are "connected in accordance with the principles of criminal justice and are of a nature and gravity similar to the attack of 14 February 2005"; on 13 November 2007, the United Nations Secretary-General appointed a new Commissioner to head the Commission and subsequently act as the Prosecutor of the Tribunal,

Recalling that a political deadlock in Lebanon has, however, since prevented the National Assembly from sitting and from taking any decision to ratify the agreement signed between the United Nations and, on behalf of the Lebanese authorities, the Director-General of the Ministry of Justice, with regard to the establishment of the Special Tribunal for Lebanon; *considering* that the convening of the National Assembly was postponed, for the seventeenth time, to 22 April 2008,

Bearing in mind that Lebanon is a State Party to the International Covenant on Civil and Political Rights and is thus bound to guarantee the right to life,

1. *Expresses deep concern* that four highly vocal parliamentarians have been murdered in the last two years, which, considered together with the string of assassinations of other high-profile personalities, confirms that at this important juncture in Lebanon the exercise of freedom of expression is at great risk and that this constitutes a serious deterrent for others who might wish to speak out on critical issues;
2. *Is convinced* that, thanks to its expertise and resources available and the full assistance of the Lebanese investigating authorities, the International Independent Investigation Commission has paved the way for subsequent effective action by the Special Tribunal for Lebanon to identify and hold to account the alleged culprits;
3. *Considers* that, as the Commission's work is coming to an end, the establishment of the Special Tribunal has become particularly urgent in order to keep up the momentum in the investigations and to ensure that important material gathered by the Commission can be acted on immediately;
4. *Believes* that the National Assembly holds the key to the rapid establishment of the Special Tribunal; *calls on* the Assembly and the parliamentary authorities to make every effort to help resolve the present political crisis in order to allow the Special Tribunal to make its vital contribution to dispensing justice in this case; *wishes to ascertain* what steps are being taken in this regard;
5. *Requests* the Secretary General to convey this resolution to the Speaker of the National Assembly of Lebanon;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

MYANMAR

Parliamentarians reportedly still serving their sentences:

CASE No. MYN/04 - KHIN MAUNG SWE	CASE No. MYN/215 - AUNG SOE MYINT
CASE No. MYN/13 - SAW NAING NAING	CASE No. MYN/236 - KHUN HTUN OO
CASE No. MYN/35 - SAW HLAING	CASE No. MYN/237 - KYAW SAN
CASE No. MYN/60 - ZAW MYINT MAUNG	CASE No. MYN/238 - KYAW MIN
CASE No. MYN/104 - KYAW KHIN	CASE No. MYN/241 - KHIN MAUNG WIN
CASE No. MYN/118 - THAN NYEIN	CASE No. MYN/242 - KYAW KYAW
CASE No. MYN/119 - MAY WIN MYINT	

Parliamentarians arrested during the government crackdown on mass protests in the autumn of 2007:

CASE No. MYN/243 - FU CIN SHING THANG	CASE No. MYN/252 - MYAT HLA
CASE No. MYN/244 - HTAUNG KHO HTAN	CASE No. MYN/253 - HAN ZAW
CASE No. MYN/245 - MYINT THEIN ¹	CASE No. MYN/254 - THAN LWIN ²⁴
CASE No. MYN/246 - HLA PE	CASE No. MYN/255 - HLA AUNG
CASE No. MYN/247 - KYAW KHAING	CASE No. MYN/256 - HLAING AYE*
CASE No. MYN/248 - TIN AUNG AUNG	CASE No. MYN/257 - KYAW MAUNG*
CASE No. MYN/249 - BALA	CASE No. MYN/258 - MYINT KYI*
CASE No. MYN/250 - HLA THEIN	CASE No. MYN/259 - SAW LWIN*
CASE No. MYN/251 - MAUNG MAUNG THAN	

Parliamentarians who died in custody:

CASE No. MYN/53 - HLA THAN	CASE No. MYN/83 - KYAW MIN
CASE No. MYN/55 - TIN MAUNG WIN	CASE No. MYN/131 - HLA KHIN
CASE No. MYN/72 - SAW WIN	CASE No. MYN/132 - AUN MIN

Parliamentarians assassinated:

CASE No. MYN/66 - WIN KO
CASE No. MYN/67 - HLA PE

Resolution adopted unanimously by the IPU Governing Council at its 182nd session (Cape Town, 18 April 2008)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned members-elect of the Pyithu Hluttaw (People's Assembly) of the Union of Myanmar, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling its long-standing concerns about:

- The complete disregard of the results of the election of 27 May 1990, in which the National League for Democracy (NLD) won 392 of the 485 seats;
- The continuous removal from the political process of many parliamentarians-elect by various means, including arbitrary arrest, detention and sentencing under laws infringing basic international human rights standards, and pressure to resign from the NLD and

¹ On 2 April 2008, MPU-Burma stated that Mr. Myint Thein had died following his release, as his health had seriously worsened during his detention.

²⁴ He remains in detention and is being tried.

* Meanwhile sentenced to prison terms.

thereby relinquish their status as elected members of parliament; as a result, 13 parliamentarians-elect remain imprisoned, in some instances their detention having been continuously extended without their ever having appeared in court, such as the case of Dr. May Win Myint and Dr. Than Nyein, whose health, together with that of U Kyaw San, remains highly precarious,

Recalling that in August and September 2007 widespread protests were held in Myanmar against the military regime; that between 3,000 and 4,000 protestors, including 17 parliamentarians-elect, were arrested; by the beginning of October 2007, the regime's increased use of force, multiple arrests, heavy military presence and an information blackout put an effective end to the protests; most protestors have since been released, though it is estimated that between 500 and 1,000 persons may still be detained; at the same time, it is reported that the authorities continue to search for some of the demonstrators who have gone into hiding,

Considering that, while 12 of the 17 parliamentarians-elect who were detained during the crackdown have since been released, the remaining five, except for Mr. Saw Lin whose trial is pending, have been sentenced for their participation in the peaceful demonstrations; that one of those parliamentarians, Mr. Than Lwin, was heavily struck by a member of the regime's paramilitary group during the demonstrations and had to be hospitalized urgently for the serious injury to his face and eyes, as a result of which he lost his sight in one eye; that the police have not acted on his complaint,

Considering that, in response to the violent crackdown on peaceful demonstrators, for the first time - on 11 October 2007 - the United Nations Security Council adopted a Presidential Statement on the situation in Myanmar deploring the violence against peaceful demonstrators, demanding the release of all political prisoners and stressing the need for the authorities to create the necessary conditions for a genuine dialogue with Aung San Suu Kyi, the leader of the National League for Democracy, and all concerned parties and ethnic nationality groups, with the direct support of the United Nations; deep concern was also expressed by the United Nations Human Rights Council; *recalling* that the 117th IPU Assembly (October 2007) adopted a resolution entitled "The urgent need to immediately stop the widespread human rights violations and to restore the democratic rights of the people of Myanmar" in which it urged the Government of Myanmar to refrain from further acts of violence against current and future demonstrations and to release immediately and unconditionally all political prisoners, and urged parliamentarians worldwide to maintain their strong commitment to the promotion and protection of the fundamental human rights of the people of Myanmar as an expression of solidarity with their sacrifice and struggle against tyranny,

Recalling that the United Nations Special Rapporteur on the human rights situation in Myanmar visited Myanmar from 11 to 15 November 2007 and submitted a report to the United Nations Human Rights Council in which he found inter alia that the "security forces, including the army and riot police, had used excessive force against civilians from 26 to 29 September 2007, in spite of several international appeals calling upon the Government of Myanmar to show restraint" and expressed particular concern "about the numerous accounts of the use of large-capacity informal detention centres, unacknowledged by State authorities, which are regarded as 'secret' facilities"; on 11 December 2007, the Human Rights Council adopted a resolution expressing "deep concern regarding the findings of the report of the Special Rapporteur" and reiterated its call on the Government of Myanmar to release without delay those arrested and detained as a result of the repression of recent peaceful protests, to release all political detainees and to lift all restraints on the peaceful political activity of all persons,

Recalling the convening of a National Convention, an assembly comprised mainly of members hand-picked by the authorities, which completed its work in early September 2007 without allowing a free exchange of opinions and ideas and criminalizing any criticism of its work; *considering* that the authorities announced in February 2008 that the draft constitution drawn up by the National Convention would be put to a public referendum on 10 May 2008 and that they had turned down the offer of the United Nations for the international monitoring of the referendum; that, although the text has yet to be released for public scrutiny or study, leaked copies of the final draft show that it confers sweeping and overriding powers on the military,

Considering that more than a dozen activists were recently arrested after members of the NLD's youth wing staged a small protest against the draft Constitution,

Considering that the authorities have announced that general elections will be held in 2010 and that Daw Aung Suu Kyi will not be allowed to participate in the process; that Daw Aung San Suu Kyi issued a statement expressing her commitment to a substantive, time-bound dialogue and welcomed the facilitation of the United Nations; that a series of meetings have taken place between the Liaison Minister of the military regime, Mr. Aung Kyi, and Aung San Suu Kyi but have produced no result,

1. *Is deeply concerned* that four parliamentarians have been sentenced, and that a fifth may soon be, for their participation in the peaceful protests against the regime in autumn 2007; *is appalled* at the irreparable ill-treatment of Mr. Than Lwin and the apparent total impunity for those responsible for such criminal acts;
2. *Strongly urges* the authorities to release these five persons forthwith along with the 13 parliamentarians who continue to languish in prison on the basis of legal provisions that blatantly disregard their most basic rights;
3. *Denounces* the final draft of the Constitution for providing a legal basis to prolong the military authorities' hold on power; *reaffirms* in this respect its long-standing conviction that the National Convention, owing to how it was set up and functioned, was illegitimate from the start and bound to produce a text that would fail to reflect the democratic values to which the people of Myanmar aspire;
4. *Is deeply concerned* that the people of Myanmar not only lacked an opportunity to review, discuss and change the text, but are now called on to give it legitimacy through a referendum which, under the current circumstances, is bound to take place in a climate of fear, distrust and lack of total transparency, and therefore can have no credibility;
5. *Stresses once again* that any transition towards democracy will fail so long as it is not genuinely free, transparent and reflective of the people's will, and preceded by the unconditional release of all political prisoners and the lifting of all restrictions on human rights and political activity;
6. *Urges* the authorities once more to address its fundamental long-standing concerns in this respect and to engage in a meaningful dialogue with Aung San Suu Kyi and all concerned parties and ethnic nationality groups for the purpose of initiating a genuine democratic transition in Myanmar; *calls on* the authorities to take the necessary steps without further delay and to cooperate fully in this respect with the United Nations;
7. *Appeals* to the international community to persevere in its united stand to promote change in Myanmar and publicly to express, under the current prevailing circumstances, its rejection of the referendum process and outcome, and *appeals especially* to the Member Parliaments of the IPU, in particular China and India as neighbouring countries, to lend their full support in this respect;
8. *Requests* the Secretary General to convey this resolution to the authorities and to all other parties concerned;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. PAL/02 - MARWAN BARGHOUTI - PALESTINE / ISRAEL

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Marwan Barghouti, an incumbent member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Referring also to the expert report on Mr. Barghouti's trial by Mr. Simon Foreman (CL/177/11(a)-R.2),

Recalling that Mr. Barghouti was sentenced on 6 June 2004 by the Tel Aviv District Court, whose jurisdiction he did not recognize, to five life sentences and two 20-year prison terms, which he is currently serving in an Israeli prison,

Recalling its consistent wish for Mr. Barghouti to be paid a private visit, which has been denied by the Israeli authorities on the grounds that such a visit would be seen as an inspection of Israeli practices in jails and that it could therefore not be authorized; *noting* in this respect that the Prison Authority has recently denied a request by members of Gush Shalom to visit Mr. Barghouti, claiming that "security" prisoners can only meet with immediate family members, lawyers, Knesset members and the Red Cross; that Gush Shalom has lodged an appeal against that decision with the Supreme Court and asked the court to invalidate Article 15A (e) of the Prison Service Regulations, which imposes severe restrictions on the right of security prisoners to receive visits, arguing that under Israeli law all prisoners are allowed visits from friends as well as family members; *noting* that it appears from the press release issued by Gush Shalom in this respect that, on numerous occasions, the authorities have in the past allowed Palestinian friends and political associates of Mr. Barghouti to visit him and even allowed Al Jazeera and Al Arabyia TV crews to interview him in prison,

Considering that at the meeting of IPU President Casini and the Secretary General with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, the Minister stated that such a visit could be arranged,

Noting lastly that there have been calls from within Israel for the release of Mr. Barghouti, most recently by MK Amir Peretz in March 2008 when he stated that Mr. Barghouti could be a key element in attaining stability and assuming responsibility of the Palestinian National Authority (PNA),

1. *Reaffirms*, in the light of the compelling legal arguments put forward in Mr. Foreman's report, on which the Israeli authorities have not provided observations, that Mr. Barghouti's trial did not meet the fair trial standards which Israel, as a State Party to the International Covenant on Civil and Political Rights, is bound to respect;
2. *Reaffirms further*, in the light of the expert report, that Mr. Barghouti was transferred to Israel in breach of the Fourth Geneva Convention and the Oslo Accords; consequently *once again urges* the Israeli authorities to transfer Mr. Barghouti to the custody of the Palestinian authorities;
3. *Regrets* that nothing has so far come of the favourable attitude of the Israeli Foreign Minister towards the visit of a Committee member to Mr. Barghouti and *looks forward* to her early reply in this respect;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. PAL/04 - HUSSAM KHADER - PALESTINE / ISRAEL

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Hussam Khader, a former member of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Referring also to the report of the proceedings on Mr. Khader's application for early release by Mr. Sadakat Kadri, barrister-at-law,

Recalling the following: Mr. Hussam Khader was convicted and sentenced in September/November 2005 on the basis of a plea bargain regarding both the conviction and the sentencing and is currently serving his seven-year prison sentence; the IPU trial observer, Mr. Simon Foreman, concluded in his report that Mr. Khader "has not, since his arrest [in March 2003], had the benefit of compliance with the international rules of fair trial"; Mr. Khader was subjected to cruel, inhuman and degrading treatment while in detention and no convincing evidence to the contrary has been submitted by the Israeli authorities; complaints have been continuously received about his conditions of detention, more particularly his extremely limited visiting rights; *noting* in this connection that, on 3 December 2007, Mr. Khader's mother and brother finally obtained permission to visit him,

Considering that Mr. Khader is now eligible for early release and *noting* in this respect the following: Mr. Khader has submitted a petition for early release which was heard on 3 December 2007 in the presence of an IPU observer, Mr. Sadakat Kadri; a secret report was produced on that occasion by the General Security Services (GSS), to which Mr. Khader's lawyers, who saw it for the first time, objected as it contained incorrect information and, in particular, materially misrepresented the offence for which he was in prison; the release committee adjourned the hearing to 13 December, when the observer was again present; this time, the GSS report did not contain the - apparently - compulsory section on the security risk which Mr. Khader's release would constitute; at the last hearing on 17 February 2008, which was again observed by Barrister Kadri, the release committee dismissed Mr. Khader's application finding that he (a) had had relations with Hezbollah before his arrest, and regarded as irrelevant the fact that such relationship had not formed part of the case against him; (b) that he continued to hold contacts with hostile elements in prison, without, however, any amplification of this, the relevant material being classified; and (c) that Mr. Khader showed a lack of remorse and failure "to shake off his ideologies and abandon the path of the past",

Recalling that in July 2007 the Government of Israel released 255 Palestinian prisoners belonging to Fatah "who have no blood on their hands"; that, however, Mr. Hussam Khader was not among them although he met the criteria set for release; the Speaker of the Knesset, in a letter dated 24 July 2007 and conveyed to the IPU Secretariat in September 2007, stated that Mr. Hussam Khader could unfortunately not be included in the release of the Fatah members, and undertook to ask the competent authorities to look into the matter again,

1. *Thanks* Mr. Sadakat Kadri for the work he carried out and for his report; also *thanks* the Israeli authorities for the assistance they afforded him during his three visits;
2. *Fully endorses* his conclusions, which bear out the serious concerns it has consistently expressed in this case;
3. *Deplores* the dismissal of Mr. Khader's application for early release on the basis of a decision which it considers to be wholly arbitrary and to reflect poorly on the administration of justice in this case;

4. *Considers* that proceedings which enable a judicial body to base a decision with respect to early release on elements not forming part of the original case against the prisoner concerned, which refer to secret material against which no defence can be possible, and which demand mental capitulation are unworthy of a State based on the rule of law;
5. *Believes* that the Knesset, as a guardian of human rights, should closely examine these proceedings and do its utmost to prevent and remedy human rights abuses, whether they concern Israeli citizens or Palestinians in the hands of Israeli authorities;
6. *Firmly restates* its conviction, in the light of Mr. Foreman's report on Mr. Khader's trial, that Mr. Khader has not enjoyed a fair trial, without which there can be no fair establishment of guilt and that, given the circumstances of the dismissal of his petition for early release, his continuing imprisonment is unjust;
7. *Calls therefore once again* on the Israeli authorities, and in particular on the Speaker of the Knesset, who had undertaken to make representations to the competent authorities, to secure Mr. Khader's prompt release;
8. *Reaffirms* that Israel has a duty under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which it is a State Party, to investigate the evidence given in court by Mr. Khader and the main prosecution witness that they were ill-treated and tortured; and *once again urges* the Knesset to exercise its oversight powers to ensure compliance with Israel's obligations under CAT;
9. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. PAL/05 - AHMAD SA'ADAT - PALESTINE/ISRAEL

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Ahmad Sa'adat, elected in January 2006 to the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Referring to the expert report of Mr. Simon Foreman (CL/177/11(a)-R.2) on the trial of Mr. Marwan Barghouti, which contains a detailed chapter on the legality of the transfer of Palestinian citizens to Israeli territory,

Recalling that on 14 March 2006, Mr. Sa'adat, whom the Israeli authorities had accused of involvement in the October 2001 murder of Mr. R. Zeevi, the Israeli Minister of Tourism, was abducted by the Israeli Defence Forces from Jericho jail and transferred to an Israeli jail; that in late April 2006, in the absence of sufficient evidence, the Israeli authorities dropped the charge of involvement in Mr. Zeevi's murder,

Considering that, according to recent information from Israeli non-governmental sources, 19 other charges were brought against Mr. Sa'adat which, according to those sources, all arise out of his leadership of the Popular Front for the Liberation of Palestine (PFLP) and none allege direct involvement in crimes of violence, although seven (dating from 1998 or earlier) alleged preparatory or secondary involvement in such acts; that since the start of his trial Mr. Sa'adat has refused to accept the court's jurisdiction,

Noting the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in the Israeli military courts in the West Bank entitled "Backyard Proceedings", which reveals the absence of due process in those courts, in particular as regards decision-taking in matters of detention and the length of detention, publicity of proceedings, rights of the defence to have access to prosecution material and, in general, the length of proceedings, most of which conclude with plea bargains,

Considering that, at the meeting IPU President Casini and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of PLC members should not be provided and she undertook to ensure that such information would indeed be provided,

1. *Regrets* that, despite the undertaking of the Israeli Minister for Foreign Affairs, the requested official information on the proceedings has so far not been provided;
2. *Reiterates therefore its wish* to ascertain (i) the exact charges brought against Mr. Sa'adat and the facts adduced to substantiate them, (ii) the stage reached in the judicial proceedings which have now been under way for two years, and (iii) his conditions of detention, in particular his access to his lawyer, family and friends, and to medical treatment;
3. *Notes* that the serious concerns it has expressed about fair process in this and the other cases of PLC members it has under review are borne out in *Yesh Din's* report, "Backyard Proceedings"; *is particularly distressed* at the apparent lack of any reaction from the parliamentary authorities to those reports as it believes that parliament, as a guardian of human rights, should do its utmost to remedy human rights abuses, whether they concern Israeli citizens or Palestinians in the hands of Israeli authorities;

4. *Reaffirms its strong belief* that Mr. Sa'adat's abduction and transfer to Israel was not related to the murder charge, but rather to Mr. Sa'adat's political activities as PFLP General Secretary, since he was abducted and detained by the Israeli authorities on a murder charge that was dropped, soon after his transfer, for lack of evidence; *emphasizes* in this respect that Mr. Sa'adat has been sought by the Israeli authorities ever since Mr. Zeevi's murder in October 2001, and that consequently they had more than four years to prepare the case and gather all the necessary evidence;
5. *Affirms* that Mr. Sa'adat's abduction from a Palestinian prison and his transfer to Israeli territory was moreover in breach of the Fourth Geneva Convention and the Oslo Accords and that he should therefore be transferred to Palestinian territory forthwith;
6. *Reiterates its wish* for the Committee to be authorized to pay Mr. Sa'adat a private visit;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

PALESTINE / ISRAEL

CASE No. PAL/16 - OMAR MATAR (aka OMAR ABDEL RAZEQ)	CASE No. PAL/33 - IBRAHIM MOHAMED DAHBOOR
CASE No. PAL/17 - NAYEF AL-ROJOUR	CASE No. PAL/34 - MOHAMED MAHER BADER
CASE No. PAL/18 - YASER MANSOOR	CASE No. PAL/35 - MOHAMED ISMAIL AL-TAL
CASE No. PAL/19 - HUSNY AL-BURIENY	CASE No. PAL/36 - FADEL SALEH HAMDAN
CASE No. PAL/20 - FAT'HY QARA'WI	CASE No. PAL/37 - ALI SALEEM ROMANIEN
CASE No. PAL/21 - IMAD NAWFAL	CASE No. PAL/38 - SAMEER SAFEH AL-KADI
CASE No. PAL/22 - ANWAR ZBOUN	CASE No. PAL/39 - REYAD ALI EMLEB
CASE No. PAL/23 - MAHMOUD AL-KHATEEB	CASE No. PAL/41 - REYAD MAHMOUD RADAD
CASE No. PAL/24 - ABDULJABER AL-FUQAHA	CASE No. PAL/42 - KALI MUSA RBAE
CASE No. PAL/25 - KHALED YAHYA	CASE No. PAL/43 - M. MOTLAK ABU JHEASHEH
CASE No. PAL/26 - KHALED SULAIMAN	CASE No. PAL/44 - WAEL MOHAMED ABDEL RUMAN
CASE No. PAL/27 - NASER ABDULJAWAD	CASE No. PAL/45 - MAHMOUD IBRAHIM MOSLEH
CASE No. PAL/28 - MUHAMMAD ABU-TEIR	CASE No. PAL/46 - AHMED ABDEL AZIZ MUBARAK
CASE No. PAL/29 - AHMAD 'ATTOUN	CASE No. PAL/47 - HATEM QFEISHEH
CASE No. PAL/30 - MUHAMMAD TOTAH	CASE No. PAL/48 - MAHMOUD AL-AMAHI
CASE No. PAL/31 - IBRAHIM SAED ABU SALEM	CASE No. PAL/49 - ABDERRAHMAN ZAIDAN
CASE No. PAL/32 - BASEM AHMED ZAARER	

*Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)*

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the above-mentioned parliamentarians, all of whom were elected to the Palestinian Legislative Council (PLC) in January 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following information on file:

- The parliamentarians concerned were elected on the Change and Reform list in the January 2006 elections to the Palestinian Legislative Council; most of them were arrested at 2 a.m. on 29 June 2006 in the occupied West Bank, along with more than 30 ministers and mayors; on 25 September 2006, a military appeal court in the West Bank overturned an order for their release on bail issued on 12 September 2006 by the Ofer military tribunal, and they have remained in detention since in several prisons inside Israel, most of which are located far from their homes, and have been charged with membership of, leadership in and action on behalf of a terrorist organization, namely Hamas; the parliamentarians concerned argue that the Change and Reform list differed significantly from Hamas and that their participation in the Palestinian elections was not an offence even under Israeli law at the time;
- On 30 June 2006, the Israeli Interior Minister revoked the East Jerusalem residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, who is also the Palestinian Minister of Jerusalem Affairs, on the grounds that although they were deemed to be residents of the State of Israel and therefore obliged to pay allegiance to it, their actions, namely membership of the PLC, proved that their allegiance was to the Palestinian Authority; an appeal against that decision is pending before the Supreme Court;
- The arrests and withdrawal of residence permits came in the context of Israeli military operations in the Gaza Strip to obtain the release of Gilad Shalit, an Israeli soldier kidnapped on 25 June 2006 in a cross-border attack on Israeli military installations, which the Israeli Government blames on Hamas and the Palestinian Authority, and which both entities refute,

Considering that Mr. Abderrahman Zaidan, who had been released, was rearrested approximately one month after he had testified to the Committee at the session it held during the 116th IPU Assembly (May 2007),

Noting the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in the Israeli military courts in the West Bank entitled "Backyard Proceedings", which reveals the absence of due process in those courts, particularly with respect to decision-taking in matters of detention and the length of detention, publicity of proceedings, rights of the defence to have access to prosecution material and, in general, the length of proceedings, most of which conclude with plea bargains,

Considering that, at the meeting IPU President Casini and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of PLC members should not be provided and she undertook to ensure that such information would indeed be provided,

1. *Regrets* that, despite the undertaking of the Israeli Minister for Foreign Affairs, the requested official information on the proceedings has so far not been provided;
2. *Is therefore led to reaffirm* its position that the arrest and detention of the members of parliament concerned is quite unrelated to any criminal activity on their part and rather is linked to their political views, and that their arrest and their continuing detention are consequently arbitrary and violate their fundamental right to freedom;
3. *Notes* that the serious concerns it has expressed about fair process in this and the other cases of PLC members it has under review are borne out in *Yesh Din's* report, "Backyard Proceedings"; *is particularly distressed* at the apparent lack of any reaction from the parliamentary authorities to those reports as it believes that parliament, as a guardian of human rights, should do its utmost to prevent and to remedy human rights abuses, whether they concern Israeli citizens or Palestinians in the hands of Israeli authorities;
4. *Remains deeply concerned* that the arrests not only prevent the parliamentarians concerned - a third of the elected Change and Reform parliamentarians - from carrying out the mandate for which they were elected, but also greatly prejudices the right of the Palestinian people to be represented by persons of their choice;
5. *Urges therefore* the Israeli authorities to release them forthwith, or to bring founded and recognizable charges of criminal activity against them without delay and try them in open court fully respecting international fair trial standards; *requests* the Secretary General to look into the possibility of sending an observer to any judicial proceedings that may be under way;
6. *Remains deeply concerned* - in the absence of any official information on this point - at their conditions of detention and the lack of appropriate medical care; and *urges* the Israeli authorities to respect the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners;
7. *Notes with deep concern* the rearrest of Mr. Abderrahman Zaidan shortly after the hearing the Committee had with him, and *wishes to ascertain* the legal grounds for his arrest and continuing detention;
8. *Reiterates its wish* for one of its members to be permitted to pay the detained parliamentarians a private visit;
9. *Fears* that the withdrawal of the residence permits of Mr. Muhammad Abu-Teir, Mr. Ahmad Attoun and Mr. Muhammad Totah, rather than being grounded in law, is a politically motivated decision; *notes* that an appeal against that decision is pending before the Supreme Court and *would be grateful* for information on the status of the proceedings;
10. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. PAL/40 - ABDEL AZIZ DWEIK - PALESTINE / ISRAEL

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Dr. Abdel Aziz Dweik, Speaker of the Palestinian Legislative Council, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that Dr. Dweik has remained in detention since his arrest during the night of 5 to 6 August 2006 by the Israeli Defence Forces, which came in the context of the kidnapping of an Israeli soldier, that he is accused of being a member of a terrorist organization and assuming a leadership role in it; but that no trial is reportedly taking place as hearings are constantly being postponed; that he is reportedly held in deplorable conditions and denied access to the medical care he needs as a diabetic with a gall bladder condition,

Considering in this respect that in November 2007 he was reportedly hospitalized for one week owing to his deteriorating health and severe weight loss,

Noting the study of the Israeli non-governmental organization *Yesh Din* (Volunteers for Human Rights) on the implementation of due process rights in the Israeli military courts in the West Bank entitled "Backyard Proceedings", which reveals the absence of due process in those courts, in particular as regards decision-taking in matters of detention and the length of detention, publicity of proceedings, rights of the defence to have access to prosecution material and, in general, the length of proceedings, most of which conclude with plea bargains,

Considering that at the meeting IPU President Casini and the Secretary General had with the Israeli Minister for Foreign Affairs during their visit to Israel in early February 2008, she stated that there was no reason why information on the judicial proceedings in this and other cases of PLC members should not be provided and she undertook to ensure that such information would indeed be provided,

1. *Regrets* that, despite the undertaking of the Israeli Minister for Foreign Affairs, the requested official information on Dr. Dweik's situation has so far not been forthcoming;
2. *Notes* that there is consequently nothing which would enable it to change its position that Dr. Dweik's arrest and current detention are quite unrelated to any criminal activity on his part - unless being elected in a free and fair election is considered a crime - and that his arrest and continuing detention are consequently arbitrary and violate his fundamental right to freedom;
3. *Reaffirms moreover* that Dr. Dweik's arrest and continuing detention not only prejudice the right of the Palestinian citizens who elected him to be represented by the person of their choice, but also constitute an affront to the Palestinian Legislative Council itself, whose authority the Speaker symbolizes;
4. *Urges therefore* the Israeli authorities once again to release Dr. Dweik forthwith, or to bring founded and recognizable charges of criminal activity against him and try him in open court fully respecting international fair trial standards; *requests* the Secretary General to look into the possibility of sending an observer to any judicial proceedings that may take place;

5. *Notes* that the serious concerns it has expressed about fair process in this and the other cases of PLC members it has under review are borne out in *Yesh Din's* report, "Backyard Proceedings"; *is particularly distressed* at the apparent lack of any reaction from the parliamentary authorities to these reports because it believes that parliament, as a guardian of human rights, should do its utmost to remedy human rights abuses, whether they affect Israeli citizens or Palestinians in the hands of Israeli authorities;
6. *Is alarmed* at the reported worsening of Dr. Dweik's health, which seems to bear out earlier reports about the lack of appropriate medical care for him; *firmly recalls* that the Israeli authorities are duty-bound to provide Dr. Dweik with the medical care he needs, and *urges* them to do so forthwith; *reiterates its wish* to receive official information about his conditions of detention, in particular the medical care provided him;
7. *Reiterates also its wish* for the Committee to be permitted to pay Dr. Dweik a private visit;
8. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE N° PAL/50 - MARIAM SALEH- PALESTINE / ISRAEL

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Ms. Mariam Saleh, a member of the PLC and former Minister of Women's Affairs from March 2006 to March 2007, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Considering that according to the source Ms. Mariam Saleh was arrested on 13 November 2007, reportedly on accusations (i) of membership in the "Change and Reform" bloc; (ii) membership in the Huda Society for Women; (iii) travelling abroad while Minister of Women's Affairs and having met with Prime Minister Ismail Haniyeh and Khaled Mashaal, and (iv) other reasons which the prosecution classified as confidential and refused to disclose to the defence; that, however, the prosecution was reportedly unable to adduce any evidence to sustain the accusation and to charge her,

Considering that on 17 December 2007, the Ofer military court ordered her release on payment of 7,000 shekels, but gave the prosecution the right to appeal, which it did; that the next day Ms. Saleh was transferred to administrative detention; that on 30 December her administrative detention was prolonged to six months at the request of the Israeli Intelligence Service, but this period was reduced by the court to three months, and *noting* that on 30 March 2008, the Appeal Court maintained the administrative detention order until June 2008 without adducing any grounds; that Ms. Saleh is reportedly held in Tel Mond prison,

1. *Is deeply concerned* at the arrest and detention of Ms. Mariam Saleh in the absence of any valid charges or valid grounds, such as confinement for psychiatric reasons, for health reasons or in connection with asylum and immigration matters;
2. *Fears therefore* that, rather than being related to any criminal activity on her part, Ms. Saleh's arrest relates to her political views;
3. *Affirms moreover* that adducing secret material to justify detention leaves detainees entirely defenceless, at the mercy of the authorities, and that such practices make for arbitrariness and hence lawlessness;
4. *Recalls* that Israel, as a party to the International Covenant on Civil and Political Rights is bound to respect the right to liberty as guaranteed in its Article 9 and that arrest and detention in the absence of charges and any other valid grounds is arbitrary and therefore prohibited, and *urges* therefore the authorities to release Ms. Saleh forthwith;
5. *Requests* the Secretary General to bring this case to the attention of the United Nations Working Group on Arbitrary Detention;
6. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

PHILIPPINES

CASE No. PHI/01 - CRISPIN BELTRÁN
CASE No. PHI/02 - SATURNIÑO OCAMPO
CASE No. PHI/03 - JOEL VIRADOR

CASE No. PHI/04 - TEODORO CASIÑO
CASE No. PHI/05 - LIZA MAZA
CASE No. PHI/06 - RAFAEL MARIANO

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Crispin Beltran, Mr. Saturniño Ocampo, Mr. Joel Virador, Mr. Teodoro Casiño, Ms. Liza Maza and Mr. Rafael Mariano, who, apart from the latter, are all incumbent members of the House of Representatives of the Philippines, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Referring also to the Committee's report on its mission to the Philippines carried out from 18 to 21 April 2007,

Taking into account the information and documents provided by the source at the hearing held on the occasion of the 118th IPU Assembly (April 2008),

Recalling that on 1 June 2007 the Supreme Court dismissed the rebellion charges that had been brought in February 2006 against the incumbent and former parliamentarians concerned as being politically motivated and that, as a result, Mr. Crispin Beltran, who had been arrested on 25 February 2006, was released; that those charges had been brought by the Inter-Agency Legal Action Group (IALAG), set up for the purpose of targeting perceived or supposed enemies of the State, and that the political parties to which the parliamentarians concerned belong and they themselves are regarded as such by that Group,

Recalling that, during the Committee's mission, the Assistant Chief State Prosecutor stated that the incitement to sedition case, which had initially been brought against Mr. Beltran, had been quashed; *considering* in this respect, however, that while the judge at the time had set aside his arraignment in this case on the ground of a pending motion for cancellation of arraignment, a new judge, Judge Manuel Sta. Cruz, on 10 July 2007, decided that the case against him should be continued and ordered his immediate arraignment, despite the pending appeal against the court order to proceed with the case; that Mr. Beltran has moved for the nullification of his arraignment and for the recusal of the judge; *recalling* that Mr. Beltran strongly denies having made the alleged seditious statement at a rally on 24 February 2006, a fact which media coverage and witness statements could easily prove, but that the prosecution dismissed this defence argument during the inquest proceedings,

Recalling further that, on 16 February 2007, a multiple murder case was brought against Mr. Ocampo and others, that he was arrested on 16 March 2007 and subsequently released on bail by the Supreme Court on 3 April 2007 pending the Court's decision on his petition for certiorari and prohibition; *noting* that the Supreme Court has not yet ruled on the petition,

Recalling that, in January 2007, a disqualification case was brought against the political parties of the parliamentarians concerned on the basis of yet another murder case (Nueva Ecija case) whereby the parliamentarians concerned, apart from Mr. Beltran, allegedly conspired together and planned the elimination of the supporters of another political party, Akbayan, an accusation which they strongly refute; *considering* that while the Commission on Elections (COMELEC) dismissed the disqualification petitions for "lack of merit", the murder case is proceeding and that the panel of public prosecutors submitted it for resolution on 14 November 2007; that, according to the sources, the due process rights of the defendants have been seriously violated in the preliminary investigation insofar as the prosecutors denied their request for a clarification hearing, which was necessary in their view to establish the identity of the complainants who appeared with covered faces throughout the investigation

phase, to clarify inconsistencies in their statements, and to verify whether their statements were voluntary since they are in the custody and under the control of the military; *noting* that the cases were submitted for resolution by the prosecution on 14 November 2007 and that, although public prosecutors are required to resolve cases within 60 days after their submission for resolution, this has still not occurred,

Considering that, on 17 May 2007, Mr. Casiño was charged with obstruction of justice for allegedly preventing the arrest of an alleged CPP/NPA member, Mr. Vincent Borja; *noting* in this respect, however, that according to the sources, given the incidence of extrajudicial executions and abductions implicating the military, Mr. Casiño wanted to ensure respect for the right to liberty and security of the person concerned for whom the soldiers, who were not in uniform, had no arrest warrant, by asking the soldiers to present a warrant and accompany the arrested person to a military camp until he was transferred to the police; the Office of the City Prosecutor has yet to give its ruling on the matter,

Considering lastly that in March 2008 a petition for Writ of Amparo was filed against top officials of the CPP and Mr. Ocampo, which is pending at the Regional Trial Court of Basey, Western Samar, Branch 30, in connection with the alleged abduction of Ms. Elizabeth Gutierrez by communist rebels on 24 October 2007; a Writ of Amparo is designed to providing victims of extrajudicial killings and enforced disappearances the protection they need and the promise of vindication for their rights; however, according to the source, the petition in this case has been filed with strong intervention from the military or State forces with the intention to abuse the use of the Writ of Amparo; in this respect, Lt. Col. Jonathan Ponce, Commanding Officer of 67th Infantry Battalion was quoted as saying: "This [the petition] could be a test case of the effectivity of the Writ of Amparo. They have used this against us. We will apply the same to them.",

Bearing in mind that, in the report on his mission to the Philippines, the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions recommended inter alia that the IALAG be abolished, that the criminal justice system refocus on the investigation and prosecution of those committing extrajudicial executions and other serious crimes, and that the Supreme Court exercise its constitutional powers over the practice of law to impress upon prosecutors that they have a duty to the public to uphold and protect human rights by acting to ensure the effective investigation of cases and protection of witnesses, and that they should provide reasoned decisions for probable cause determinations,

1. *Remains deeply concerned* at the various criminal cases still pending against the parliamentarians concerned, in particular the fact that a new case had been brought against Representative Casiño for what appears to have been merely his attempt to prevent an arbitrary arrest and ensure compliance with the law, which constitutes nothing more than exercising his duty as a member of parliament; *is also concerned* that a Writ of Amparo is now allegedly being used in bad faith against Mr. Ocampo;
2. *Fears*, given the political motivation behind the previous rebellion charges brought against the parliamentarians, that all these proceedings are part of an ongoing effort by the Government, inter alia through IALAG, aimed at removing them and their political parties from the democratic political process;
3. *Remains confident* that, in dealing with these cases, the prosecution and judicial authorities will abide by their duty not to proceed with any case on the basis of political considerations, *recalls* in this respect the Supreme Court's ruling in the rebellion case in which it reiterated "the importance of maintaining the integrity of criminal prosecutions in general and preliminary investigations in particular" and stated the following: "We cannot emphasize too strongly that prosecutors should not allow, and should avoid giving the impression that their noble office is being used or prostituted, wittingly or unwittingly, for political ends";

4. *Wishes* to be kept informed of the proceedings in the cases in question, including, where appropriate, through the intermediary of a trial observer;
5. *Calls on* the House of Representatives to exercise its oversight power and to monitor closely the proceedings in the cases in question in order to ensure due administration of justice;
6. *Also calls on* the authorities, and in particular on both houses of Parliament, to ensure follow-up to the recommendations of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, and *would appreciate* information on parliamentary action taken to this end;
7. *Notes finally* that Mr. Joel Virador, who is no longer a member of parliament, has no further charges pending against him; *consequently decides* to close his case;
8. *Requests* the Secretary General to convey this decision to the competent authorities, including the National Human Rights Commission, and to the other parties concerned;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. RW/06 - LEONARD HITIMANA - RWANDA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Léonard Hitimana, a member of the Transitional National Assembly of Rwanda dissolved on 22 August 2003, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking account of the letter from the President of the National Assembly of Rwanda, dated 11 April 2008,

Recalling the following:

- Mr. Léonard Hitimana disappeared during the night of 7 to 8 April 2003, the day before he was to refute in parliament the accusations of fomenting ethnic division levelled by a parliamentary inquiry commission in a report against his party in which his name was mentioned;
- While the sources believe that he was abducted by the Rwandan intelligence service, the authorities, for their part, have stated their belief that Mr. Hitimana fled to a neighbouring country and were very optimistic that he would soon be located, as had been Brigadier General Emmanuel Habyarimana and Colonel Barthazar Ndengeyinka;
- In October 2005, the President of the Chamber of Deputies referred Mr. Hitimana's case to the National Human Rights Commission, which had already assumed jurisdiction on its own initiative; according to the President of the Senate, at a hearing held in October 2007, the parliament was in regular contact with the Human Rights Commission, which continued to follow the matter closely, and the investigations were continuing,

Considering the information provided by one of the sources on 12 January 2008 that, despite repeated assurances from the President of the National Human Rights Commission, Mr. Hitimana's father was close to death in the central prison of Gisovu, where he has been held for several months; *recalling* that with respect to the previous arrest and detention at the beginning of 2007 of Mr. Hitimana's father, the President of the National Human Rights Commission, in her letter of 20 April 2007 to the Speaker of the Chamber of Deputies, stated that as soon as she realized that the arrest had been arbitrary, she had referred the matter to the appropriate authorities, and that subsequently he had been released on 26 March 2007,

Considering that, in his letter of 11 April 2008, the President of the National Assembly affirmed that all lines of inquiry brought to the attention of the authorities were investigated and that the Assembly was anxious to settle the matter while wishing to leave the authorities the necessary time to do their work,

1. *Thanks* the President of the National Assembly for his letter; *is nevertheless dismayed* that, five years after Mr. Hitimana disappeared, the investigation has not yielded any tangible result; *considers* that the information on file regarding the investigation suggests a lack of any serious effort by the authorities to establish the truth in this case;
2. *Reaffirms its belief* that the suspicion that Mr. Hitimana was indeed the victim of an enforced disappearance has, with the passage of time, gained ground and needs to be taken extremely seriously and investigated by the authorities;

3. *Recalls* that forced disappearances are a serious violation of human rights, and that Article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in 1992, states that: "Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights ...";
4. *Calls on* the Parliament once more to avail itself of its oversight function to monitor the investigation effectively in this case and to send a clear signal to the investigating authorities that they should spare no effort in fully elucidating Mr. Hitimana's disappearance;
5. *Expresses concern* at the current situation of Mr. Hitimana's father; *trusts* that the President of the National Human Rights Commission has once more successfully intervened in this regard; *would appreciate* information in this respect;
6. *Requests* the Secretary General to convey this resolution to the authorities and to the sources;
7. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

SRI LANKA

CASE No. SRI/12 - JAYALATH JAYAWARDENA
CASE No. SRI/50 - G. PONNAMBALAM
CASE No. SRI/51 - SELVARAJAH KAJENDREN
CASE No. SRI/52 - S. JAYANANDAMOORTHY
CASE No. SRI/54 - SIVANATHAN KISSHOR

CASE No. SRI/55 - T. KANAGASABAI
CASE No. SRI/56 - K. PATHMANATHAN
CASE No. SRI/57 - T. KATHIRAMAN
CASE No. SRI/58 - P. ARIYANETHRAN
CASE No. SRI/59 - C. CHANDRANEHRU

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of the parliamentarians listed above, incumbent members of the Parliament of Sri Lanka, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that with the exception of Dr. Jayalath Jayawardena, who is a member of the opposition United National Party (UNP), but perceived to be a supporter of the Tamil Tigers of Eelam (LTTE), all the other members of parliament concerned belong to the Tamil National Alliance, and that they have been the targets of death threats, attempts on their lives or attacks on their homes, and that in none of these cases have the investigations that were instituted led to identification of the culprits and their being brought to justice,

Considering further that in December 2007, before the vote on the budget, family members of Mr. Ariyanethran Mr. Jayanandamoorthy and Mr. Kanagabasai and the personal secretary of Ms. Thangeswari Kathiraman were abducted, reportedly by the paramilitary group Pillayan, and were warned that they would be killed if the parliamentarians voted against the budget; prompting all of them not to attend the budget session and their relatives were subsequently released,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Is appalled* at the kidnapping of persons to pressure parliamentarians into refraining from casting their vote as they see fit since such practices negate the free exercise of the parliamentary mandate, without which there can be no true democracy; and *trusts* therefore that the authorities will make every effort, as is their duty, to identify and bring to justice the perpetrators of this crime;
3. *Also trusts* that the parliamentarians concerned are afforded the necessary security detail;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE NO. SRI/48 - D.M.S.B. DISSANAYAKE - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. D.M.S.B. Dissanayake, a member of the Parliament of Sri Lanka at the time of the events, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that on 7 December 2004 the Supreme Court of Sri Lanka found Mr. Dissanayake, then an opposition member of the Sri Lankan Parliament, in contempt of court for his criticism of an advisory opinion issued by the Court, and sentenced him to two years' imprisonment; he served his sentence until, in early February 2006, President Rajapakse remitted the remaining portion of his sentence; Mr. Dissanayake nevertheless lost his parliamentary seat and, in addition, as a result of his conviction, will be barred from voting and standing in elections for a period of seven years; that, given the serious doubts about the fairness of the proceedings against him, it has called on the President of Sri Lanka to grant him a full pardon thereby restoring his civil and political rights,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Requests* the Committee to report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. SRI/49 - JOSEPH PARARAJASINGHAM - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Joseph Pararajasingham, assassinated on 24 December 2005, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that Mr. Pararajasingham was shot dead on 24 December 2005 during the Christmas Eve Mass in St. Mary's church in Batticaloa by unidentified gunmen in the presence of some 300 persons; that the investigation has remained at a virtual standstill despite the fact that St. Mary's church is located in a high-security zone between two military checkpoints and that, at the time of the murder, additional security forces were on duty so that the culprits could only have escaped with the complicity of the security forces, and that, moreover, soon after the murder, Mr. Pararajasingham's family and Tamil National Alliance (TNA) parliamentarians reportedly gave President Rajapakse the names of possible suspects, who have nevertheless not been summoned for interrogation, and that the investigation has come to a virtual standstill,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements for it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Recalls* meanwhile that the authorities have a duty to conduct a full investigation into all cases of murder - particularly such high-profile cases - and to avail themselves of all information that has been made available to them, and *trusts* that they will indeed do so;
3. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. SRI/53 - NADARAJAH RAVIRAJ - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Nadarajah Raviraj, a member of the Parliament of Sri Lanka who was assassinated on 10 November 2006, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling that Mr. Raviraj, a member of parliament for Jaffna and a leading member of the Tamil National Alliance (TNA), was shot dead in Colombo on the morning of 10 November 2006 along with his security officer while travelling in his vehicle along a prominent public highway within the city of Colombo; that two suspects were arrested in this case and arrest warrants have been issued for two other suspects,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Trusts* that the investigation into the murder of Mr. Raviraj is continuing with the necessary independence, impartiality and diligence, exploring all leads in order to identify the culprits and masterminds of this crime;
3. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. SRI/61 - THIYAGARAJAH MAHESWARAN - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Thiyagarajah Maheswaran, a member of the Parliament of Sri Lanka who was assassinated on 1 January 2008, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Considering that Mr. Maheswaran, a staunch defender of the human rights of the Tamil people and a member of the opposition United National Party, voted on 14 December 2007 against the budget and that soon after the vote the number of his security guards was cut from eighteen to two; that he had openly made several statements in and outside parliament to the effect that the reduction of his security detail put his life seriously at risk and had made repeated requests to the Government to enhance his security, to no avail,

Considering that on 1 January 2008, while attending a religious ceremony in a Hindu temple in Colombo, he was shot and succumbed to his injuries in a Colombo hospital; the attack came after he had stated in a television interview that, at the resumption of parliamentary sittings on 8 January 2008, he would present in-depth details of the terror campaign that the Government was pursuing in Jaffna, especially how abductions and killings were managed, and *noting* that the authorities have arrested the alleged gunman,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Condemns* the murder of Mr. Maheswaran, and *affirms* that the string of assassinations of other high-profile and outspoken politicians which have all remained unpunished so far, confirms that impunity can only foster the recurrence of crime and that, moreover, it is a formidable deterrent for parliamentarians wishing to speak out on critical issues;
3. *Expresses deep concern* at the significant reduction of Mr. Maheswaran's security detail at a critical moment and consequently *fears* that the authorities may bear indirect responsibility for his assassination;
4. *Notes* that the gunman is at the disposal of the authorities; *trusts* that, on the basis of a thorough and independent investigation, court proceedings can soon start and lead to the full identification and punishment of those responsible and so fully elucidate this crime;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. SRI/63 - D.M. DASSANAYAKE - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. D.M. Dassanayake, the Minister of Nation-Building and a member of the Parliament of Sri Lanka, who was assassinated on 8 January 2008, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Considering that Mr. Dassanayake was killed, along with a bodyguard, in a roadside bomb attack in the town of Ja-Ela, north of Colombo, which also left 10 people wounded; that although no one has claimed responsibility, the Liberation Tigers of Tamil Eelam (LTTE) are widely suspected of being behind the attack,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Condemns* the murder of Mr. Dassanayake, and *affirms* that the string of assassinations of other high-profile and outspoken politicians which have all remained unpunished so far, confirms that impunity can only foster the recurrence of crime and that, moreover, it is a formidable deterrent for parliamentarians wishing to speak out on critical issues;
3. *Trusts* that the authorities are carrying out, as is their duty, a thorough and independent investigation to identify the assassins and hold them to account;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. SRI/64 - KIDDINAN SIVANESAN - SRI LANKA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Kiddinan Sivanesan, a member of parliament for Jaffna belonging to the Tamil National Alliance (TNA), killed in a Claymore mine attack on 6 March 2008, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Considering that Mr. Kiddinan Sivanesan was killed in a Claymore mine attack on 6 March 2008, shortly after he had crossed into the Vanni area; that the Liberation Tigers of Tamil Eelam (LTTE) has claimed that the killing was perpetrated by deep penetration units of the Sri Lankan military and that this has been denied by the military, who have blamed it on the LTTE,

Considering that Mr. Sivanesan's vehicle was targeted when he was returning to his residence in Mallaavi after attending parliamentary sessions in Colombo; that the attackers reportedly exploded four mines in a row; that Mr. Sivanesan's driver was killed instantly and Mr. Sivanesan succumbed to his injuries while being rushed to hospital,

Considering that, at the invitation of the Parliament of Sri Lanka, the Committee carried out an on-site visit to Sri Lanka from 21 to 24 February 2008, and *noting* that the Committee's delegation was able fully to discharge its mandate, which was to gather as detailed information as possible from all parties concerned on the case in question,

1. *Thanks* the Sri Lankan authorities for having received the mission and made the necessary arrangements to enable it to carry out its mandate; *also thanks* the Committee's delegation for its work and *awaits with interest* the mission's report and any comments on it by the parties with whom the delegation met;
2. *Is appalled* at the murder of yet another member of the Parliament of Sri Lanka and strongly condemns this crime;
3. *Trusts* that the authorities are carrying out, as is their duty, a thorough and independent investigation to identify the assassins and hold them to account;
4. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. TK/39 - LEYLA ZANA) TURKEY
CASE No. TK/41 - HATIP DICLE)
CASE No. TK/51 - ORHAN DOGAN²⁵)
CASE No. TK/52 - SELIM SADAK)
CASE No. TK/55 - MEHMET SINÇAR)

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Ms. Leila Zana, Mr. Hatip Dicle, Mr. Orhan Dogan, Mr. Selim Sadak and Mr. Mehmet Sinçar, former members of the Grand National Assembly of Turkey, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Taking into account the letter from the President of the Turkish Inter-Parliamentary Group, dated 7 April 2008,

Recalling the following information on file:

- Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak were sentenced in December 1994 to a 15-year prison term for membership in an armed organization; on 26 June 2001, the European Court of Human Rights ruled that they had not enjoyed a fair trial; a retrial opened in March 2003 before the Ankara State Security Court, which on 21 April 2004 upheld the conviction and the sentence, again without respecting fair trial guarantees; on 9 June and 14 July 2004, the Cassation Court (Yargitay) ruled that Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak had not received a fair trial, and ordered their release and retrial; at the closure of their second retrial in March 2007, the 11th High Criminal Court of Ankara sentenced Ms. Zana, Mr. Dicle, Mr. Dogan and Mr. Sadak to seven years and six months' imprisonment under Article 5 of the Anti-Terrorism Law 3713 and Article 314 (2) of the Turkish Penal Code as opposed to the 15 years' imprisonment to which they had been sentenced in their first trial in 1994 and of which they had served 10 years; the second retrial was reportedly also flawed, in particular owing to the destruction of important exonerating evidence, for which reason they filed an application in the Cassation Court where the case is now pending; the public prosecutor has likewise filed such an application;
- Mr. Sinçar was assassinated in September 1993 in circumstances that suggested an extrajudicial execution; in January 2005, the then Turkish Minister of Justice affirmed that the killing had been carried out by members of the Hezbollah terrorist organization, an accusation which that group had reportedly refuted; in October 1993 twelve persons had been accused, two of whom were at large; in November 1994, all but those two suspects were acquitted for want of evidence; in April 1996, the then Minister stated that the identity of the murderer had been established but that he was living in Iran,

Considering in this respect that, according to the information provided by the President of the Turkish IPU Group in January and April 2008, a criminal case regarding the murder of Mr. Sinçar is pending before the sixth Assize Court in Diyarbakir and a hearing was scheduled for 21 February 2008 and the next one for 8 May 2008; *noting* also that Mrs. Sinçar is reportedly unaware of those proceedings,

²⁵ Mr. Orhan Dogan died on 29 June 2007.

1. *Thanks* the President of the Turkish IPU Group for the information provided and for his cooperation;
2. *Notes with great interest and satisfaction* that a criminal case regarding the murder of Mr. Sinçar is pending and *would appreciate* more detailed information in this respect, in particular on the suspects; *would also appreciate* information as to whether or not Mrs. Sinçar has been informed of the trial proceedings under way and, if not, the grounds for having kept her uninformed;
3. *Expresses the hope* that the proceedings before the Cassation Court will be concluded as quickly as possible, especially given the time that has elapsed since the ECHR concluded in 2001 that the first trial of the four former parliamentarians concerned had fallen short of the fair trial standards guaranteed in the European Convention on Human Rights;
4. *Requests* the Secretary General to seek the requested information from the parliamentary authorities and the sources;
5. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

ZIMBABWE

CASE No. ZBW/19 - ROY BENNETT
CASE No. ZBW/20 - JOB SIKHALA
CASE No. ZBW/21 - TICHAONA MUNYANYI
CASE No. ZBW/25 - TENDAI BITI

CASE No. ZBW/27 - PAUL MADZORE
CASE No. ZBW/37 - TUMBARE MUTASA²⁶
CASE No. ZBW/38 - GILBERT SHOKO⁶
CASE No. ZBW/44 - NELSON CHAMISA

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Roy Bennett, Mr. Job Sikhala, Mr. Tichaona Munyanyi, Mr. Tendai Biti, Mr. Paul Madzore, Mr. Tumbare Mutasa, Mr. Gilbert Shoko and Mr. Nelson Chamisa, opposition members of the outgoing and the previous parliament of Zimbabwe, as outlined in the report of the Committee on the Human Rights of Parliamentarians (CL/182/12(b)-R.1), and to the resolution adopted at its 181st session (October 2007),

Recalling the following information on file:

- Mr. Tendai Biti and Mr. Nelson Chamisa, along with many others attempting to participate in a prayer meeting, were arrested in Harare on 11 March 2007, taken to the police station and severely beaten; according to the information provided by the delegation of Zimbabwe to the 116th Assembly of the IPU (April-May 2007), the assault on the parliamentarians and others was debated in parliament and a motion was moved to call upon the Government and the police to investigate the incident; it was debated for two days; according to the police report of 17 July 2007, the meeting was in fact part of a defiance campaign of the Movement for Democratic Change (MDC) and was illegal;
- On 18 March 2007, Mr. Chamisa was attacked by eight men, reportedly security agents, at Harare International Airport on his way to attend the meetings of the committees of the ACP-EU Joint Parliamentary Assembly in Brussels; Mr. Chamisa suffered severe injuries as a result; at the hearing held during the 116th Assembly of the IPU, Mr. Leo Mugabe, a member of the Zimbabwean delegation, stated that he himself had insisted publicly on the need for an investigation; however, in its report of 17 July 2007, the police state that Mr. Chamisa was being uncooperative as he has not lodged a complaint despite several invitations to do so; such a complaint was necessary in the case of assault for the police to be able to start an investigation;
- On 28 March 2007, Mr. Paul Madzore, was arrested at his home on allegations of petrol bombing several police stations in Harare and possessing firearms; according to statements by Mr. Madzore, at about 11 a.m. he was called into a room at the Harare Central police station where there were allegedly about eight men in plain clothes, three of whom appeared to be drunk; one of them asked Madzore to tell them who was burning the police stations; when he attempted to respond, one of the interrogators spat in his face; he was made to lie on his back with his legs raised against a table and the men started in turn beating the soles of his feet with metal rods and a rubber baton; they then asked him if he wanted something to drink and brought an empty glass bottle and hit him with it around his knees; one man stepped on his head forcing his head on the floor with booted feet; the beatings took about 30 to 40 minutes; Mr. Madzore, bleeding profusely, was subsequently moved to a private hospital, where he was put on a life-support system; the police, however, moved him forcibly back to his remand prison cell in Harare and refused him medical treatment; as a result, Mr. Madzore collapsed twice in his prison cell; on 13 April 2007, High Court judge Tedi Karwi refused his application for bail, reportedly on the orders of the Minister for Home Affairs, who issued a certificate of denial on security grounds; according to the police report of 17 July 2007, Mr. Madzore was mainly

²⁶ Mr. Mutasa and Mr. Shoko are deceased.

responsible for the series of petrol bombings earlier that year and intended to go to South Africa for military training in insurgency, banditry and terrorism to train MDC youths in such activity; the charges against Mr. Madzore were withdrawn before plea and he was released in August 2007;

- Mr. Sikhala was tortured while in detention from 14 to 16 January 2003; the police, while initially announcing progress in the investigation, later stated that they had found it difficult to proceed with the case because of Mr. Sikhala's failure to cooperate, although he had provided detailed information and even given names; the matter is before the High Court under reference HC/645/03; Mr. Sikhala was rearrested on 11 March 2007 in the same circumstances as Mr. Chamisa and Mr. Biti, and taken to a police station; he was released several hours later;
- Mr. Munyanyi was ill-treated in October 2002 while being held on a murder charge which was later dropped before plea; a medical certificate was issued attesting to the injuries he sustained; at the 115th IPU Assembly, the Zimbabwean delegation stated that Mr. Munyanyi, who is no longer a member of parliament, had himself "abandoned the matter" and that the case was no longer being pursued;
- In August 2003, Mr. Tumbare Mutasa brought a lawsuit against the authorities for the injuries he suffered during an alleged assault on him by riot police in March 2003; an investigation was opened but later closed after Mr. Mutasa died of natural causes;
- According to information provided by the police in September 2003, while there is no record of Mr. Shoko having been assaulted on 22 March 2003, an investigation had been opened into an attack on his house on 1 April 2002, regarding which Mr. Shoko had lodged a complaint; according to information provided by the Speaker of the House of Assembly, Mr. Shoko has died, which in Zimbabwean law has the effect of extinguishing the proceedings instituted in this case;
- Several court rulings ordering Mr. Bennett's farm to be vacated were not executed, a matter which, according to the authorities, has become moot pursuant to Constitutional Amendment 17, whereby all farmland in Zimbabwe now belonged to the State and anybody who wished to utilize it had to apply for and be granted a lease agreement; in October 2004, charges of contempt of parliament proceedings were brought against him and he was sentenced to one year in prison with hard labour and was thus prevented from standing in the March 2005 legislative elections; a petition to the Supreme Court to declare null and void the contempt of parliament proceedings against him and to declare unconstitutional Section 16 of the Privileges, Powers and Immunities Act (which confers on Parliament the right to sit as a court) was dismissed in March 2006; in early 2006, Mr. Bennett was forced to flee the country for fear his life and has since been granted political asylum abroad,

Considering that legislative and presidential elections were held in Zimbabwe on 29 March 2008, the official results of which have not as yet been published,

Bearing in mind that Zimbabwe is a State Party to the International Covenant on Civil and Political Rights and therefore bound to respect the prohibition of torture and ill-treatment and the rights to liberty and security of the person guaranteed in its Articles 7 and 9, respectively,

1. *Deplores* the fact that none of the parliamentary documents regarding parliamentary action in respect of the incident of 11 March 2007 and the attack of 18 March 2007 on Mr. Chamisa which the Zimbabwean delegation to the 116th IPU Assembly undertook to provide one year ago, in particular the motion that was filed, have been provided; *notes with deep regret* that any parliamentary action that may have been taken has remained without effect;

2. *Reaffirms* that the treatment inflicted by the police on Mr. Biti, Mr. Chamisa and many others in March 2007 constitutes a gross human rights violation, irrespective of whether or not the meeting was authorized or was or was not a prayer meeting; *remains shocked* at the absence of any immediate action against the responsible police officers, who must be known and should have immediately been brought to justice and punished in accordance with the law;
3. *Remains deeply concerned* at the attack perpetrated against Mr. Chamisa on 18 March 2007; *stresses* that a member of the Zimbabwean delegation to the 116th IPU Assembly, Mr. Leo Mugabe, according to his own statement, insisted on the need for such an investigation; *is unaware* of anything in Zimbabwean law to prevent the police from investigating an attack of this nature, which is in the public domain; *believes*, moreover, that the failure of the Zimbabwean police to investigate attacks on opposition supporters may well dissuade victims from lodging complaints;
4. *Deplores* the fact that Mr. Madzore was arrested, ill-treated and detained for five months in the absence of any credible evidence against him, as shown by the withdrawal of the case against him before plea; *recalls* that, under international human rights law, the authorities have a duty to investigate any allegation of torture, *deeply regrets* that no such action has been taken to date and *urges* the authorities to comply forthwith with this duty;
5. *Deplores* the failure of the authorities to conduct a full and thorough inquiry into the torture to which Mr. Sikhala was subjected in January 2003, although evidence was submitted to them which would have enabled them to identify those responsible;
6. *Stresses* that it is precisely such failures by the authorities to investigate torture allegations that encourage the police and other security officials to resort to torture and other human rights violations, as amply demonstrated by the cases in question;
7. *Is bound to note with the utmost concern* that in none of the cases in question have the State authorities, in particular the police and prosecutorial authorities, complied with their constitutional duties, and nor has parliament exercised its oversight function effectively; on the contrary, law enforcement agencies have been allowed to continue torturing and ill-treating even members of parliament with complete impunity;
8. *Calls on* the newly elected parliament to assume its oversight function to the full to ensure that the law enforcement authorities fulfil their duties, and *stresses* that only observance of the rule of law and human rights can build a truly democratic society;
9. *Points out once again*, with respect to Mr. Bennett, that the adoption of Constitutional Amendment 17 does not alter the fact that several court judgments ordering that Mr. Bennett's farm be vacated as early as 2002 have not been executed, thus subjecting him to a grave injustice, and *reiterates its wish* to receive the observations of the authorities on the allegation that not a single farm belonging to parliamentarians of the ruling party has been acquired by the State under the terms of Constitutional Amendment 17;
10. *Reiterates also its wish* to receive a copy of the Supreme Court ruling on Mr. Bennett's application to have the contempt of parliament proceedings against him declared null and void, and Section 16 of the Parliamentary Privileges, Powers and Immunities Act declared unconstitutional, and *believes* that more than two years after it was handed down the ruling must exist in writing;
11. *Regrets* that as a result of his persecution by the authorities Mr. Bennett was prevented from standing in not only the March 2005 but also the March 2008 elections;

12. *Reiterates its wish to receive a copy of the legal provision stipulating that proceedings in criminal matters are extinguished in the case of decease of the victims;*
13. *Requests the Secretary General to convey this resolution to the authorities, once more inviting them to provide the information sought;*
14. *Requests the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008), when it hopes to have the opportunity to meet with the delegation of the newly elected parliament.*

CASE No. AFG/01 - MALALAI JOYA - AFGHANISTAN

***Resolution adopted unanimously by the IPU Governing Council at its 182nd session
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Ms. Malalai Joya of Afghanistan, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Taking account of the communication from the Secretary General of the House of the People of Afghanistan (dated 17 February 2008), forwarding parliamentary correspondence about the case, including a report from the House of the People's Committee on Immunity and Privileges,

Considering that on 21 May 2007 the House of the People of Afghanistan decided to suspend the parliamentary mandate of one of its members, Ms. Malalai Joya, MP for Farah province, until the end of her term for violating the Standing Orders (more particularly Article 67, which has become, in an extensively modified version, Article 70 of the new Standing Orders) in respect of words she spoke on television; referring to the Parliament, and more particularly to some of its members, Ms. Joya, who is a staunch critic of the former warlords, a defender of human rights and a powerful voice for Afghan women, said in a television interview that: "They are criminals and worse than the animals in a stable or zoo; at least an animal like a cow is useful in that it provides milk and a donkey can carry a load. Or even an animal like a dog which is the most loyal animal.",

Considering that, according to the sources, members of parliament have regularly criticized one another, but that no one else had been suspended on such grounds, even when Ms. Joya was called a "prostitute" or "whore" by fellow parliamentarians; the parliamentary authorities insist that the decision against Ms. Joya, which was not made by the Administrative Board but taken by the majority of the members of the House of the People in open session, was not in connection with her criticism but because her words were an affront to parliament and the entire nation,

Considering that Ms. Joya immediately protested against her suspension and the procedure followed to secure it; after having finally collected the money to pay for legal counsel and found a lawyer willing to take up her case, she was able to file it in the Supreme Court in February 2008,

Considering also that, despite initial indications that Ms. Joya may be prosecuted for her remarks, no action appears to have been initiated for the purpose,

Considering further that Ms. Joya has been continuously threatened owing to her outspoken stance, has survived four assassination attempts and never spends two nights in the same place; Ms. Joya's security is assured by members of her family,

Bearing in mind lastly that Afghanistan is a party to the International Covenant on Civil and Political Rights and is therefore bound to respect freedom of expression as guaranteed in its Article 19,

1. *Thanks* the parliamentary authorities for the information provided;

2. *Is deeply concerned* that Ms. Joya was suspended on account of outspoken remarks she made about the functioning of the Parliament of Afghanistan and about some of her fellow parliamentarians; *reaffirms* in this respect that freedom of expression is a fundamental tenet of democracy and must be construed as broadly as possible in the case of parliamentarians as the elected representatives of the people who draw attention to their concerns and defend their interests, and necessarily entails the right to sharply criticize the Parliament and Government and their performance, and should therefore be particularly cherished by parliament;
3. *Considers* that the suspension of the parliamentary mandate is an exceptionally serious measure that must be taken in strict compliance with the law and the relevant legal procedures and be limited in time; *is concerned* in this respect that no time limit was set for the suspension, which has been in effect for almost a year, and that, contrary to the old and new Standing Orders of Parliament, the Administrative Board appears to have been in no way involved in the decision to suspend Ms. Joya; *is also concerned* at the discrepancy that while the remarks made by Ms. Joya have led to a serious punishment, her treatment by some fellow parliamentarians that she has publicly denounced has reportedly not drawn any response from Parliament;
4. *Notes* that a petition challenging the suspension has been filed in the Supreme Court; *trusts* that the Court will decide on the matter without delay; *would appreciate* receiving information in this respect; *would also appreciate* confirmation that Ms. Joya is not subjected to any judicial action in respect of her remarks;
5. *Is alarmed* at the persistent death threats against Ms. Joya and the absence of any security detail offered by the authorities; *insists* that the general insecurity in Afghanistan makes it abundantly clear that threats against her safety have to be taken extremely seriously and require an effective response;
6. *Consequently urges* the authorities, in compliance with their obligation to protect the right to life, to provide her with a full security detail as a matter of urgency; *would greatly appreciate* information on steps taken to this end;
7. *Calls on* the authorities at the same time to do everything in their power to identify and bring to justice those making the death threats against Ms. Joya; *reaffirms* in this respect that the Parliament of Afghanistan has a special responsibility when the security of one of its members is at stake; *calls therefore on* the parliamentary authorities to take appropriate action to help ensure that the required protection for Ms. Joya is put in place without delay and that the threats are diligently investigated; *would appreciate* information on any steps taken in this respect;
8. *Requests* the Secretary General to convey this resolution to the parliamentary authorities and to the source;
9. *Requests* the Committee to continue examining this case and report to it at its next session, to be held on the occasion of the 119th Assembly of the IPU (Geneva, October 2008).

CASE No. EGY/02 - AYMAN NOUR - EGYPT

***Resolution adopted by consensus by the IPU Governing Council at its 182nd session *
(Cape Town, 18 April 2008)***

The Governing Council of the Inter-Parliamentary Union,

Having before it the case of Mr. Ayman Nour, a member of the People's Assembly of Egypt at the time of the submission of the communication regarding him, which has been the subject of a study and report of the Committee on the Human Rights of Parliamentarians following the Procedure for the treatment by the Inter-Parliamentary Union of communications concerning violations of the human rights of members of parliament,

Taking note of the report of the Committee on the Human Rights of Parliamentarians, which contains a detailed outline of the case (CL/182/12(b)-R.1-Add.),

Considering that Mr. Ayman Nour, founder of the opposition Al-Ghad party who stood in the presidential elections of September 2005, had his parliamentary immunity lifted on 29 January 2005 and was immediately afterwards arrested on charges of forgery and counterfeiting for the purpose of registering his party; on 24 December 2005, he was found guilty and sentenced to a five-year prison term, which was upheld at last instance and which he is currently serving; Mr. Nour's health is said to be poor; a petition for release on medical grounds which Mr. Nour filed in August 2006 was rejected on the basis of an official medical report of January 2007 to the effect that Mr. Nour's continuing imprisonment did not endanger his life; appeals against that decision were rejected at final instance, on 17 March 2008, by the High Administrative Court; Mr. Nour's lawyer has now lodged a pardon petition with the Head of State; in mid-May 2007, Mr. Nour was assaulted by security officers in court where he had to attend a hearing in connection with another case; on 6 September 2007 one of Mr. Nour's co-accused, Mr. Ayman Hassan Ismail El-Refay, who had retracted his statement against Mr. Nour and expressed the wish to give new evidence in the case, was found hanged in his cell, which he shared with three other prisoners; the authorities claim he committed suicide,

Noting that, owing to the largely conflicting information provided by the authorities and the sources on almost all aspects of this case, in particular regarding Mr. Nour's arrest, the registration of his political party, the circumstances of his co-accused, the judicial proceedings, the physical assault on Mr. Nour of May 2007, his conditions of detention, his state of health and the medical treatment he is afforded, the Committee suggested that an on-site mission to Egypt could help it clarify the facts surrounding these issues,

Stressing in this regard that missions are worthwhile only if the Committee's delegation can also visit the individual member of parliament concerned and that the Committee and indeed the IPU has consistently upheld this requirement throughout the Committee's thirty-year history,

Considering that the Attorney General, however, refused to allow the Committee's delegation to meet with Mr. Nour on the ground that such a visit would be contrary to Egyptian law and an interference with the Egyptian judiciary; *noting*, that according to the sources, a representative of the African Union visited an Egyptian prison on 18 August 2007, that a journalist visited Mr. Nour in prison in January 2007, and that the international non-governmental organization Human Rights Watch was authorized to visit Egyptian prisons in the 1990s and issued a report thereon,

1. *Thanks* the Speaker of the People's Assembly for his consistent cooperation with the Committee in this case and for his efforts to organize the proposed mission;

* The delegation of Egypt expressed its reservation regarding the resolution, in particular with respect to its preambular paragraphs and stated that the Egyptian judiciary had ruled on the case, including Mr. Nour's petition for early release, and that those matters were therefore not open to questioning.

2. *Is convinced* that such a mission would go a long way in contributing to a satisfactory settlement of this case; *consequently expresses the hope* that the Attorney General will reconsider his decision;
3. *Stresses* that meeting Mr. Nour can in no way be considered an affront or interference with the Egyptian judicial system and that its sole purpose is to gather first-hand information from the person concerned himself;
4. Believes also that authorizing the visit to Mr. Nour would constitute a further demonstration of Egypt's attachment to human rights and transparency and follow the practice of many other countries which allow and even encourage such visits;
5. *Earnestly hopes*, in the light of the Committee's increasing concerns in this case, especially as regards Mr. Nour's health, that the mission can go ahead as quickly as possible in order that, at its next session on the occasion of the 119th IPU Assembly (October 2008), it may have the benefit of the information gathered by the Committee;
6. *Requests* the Committee to inform the authorities and the sources accordingly.

